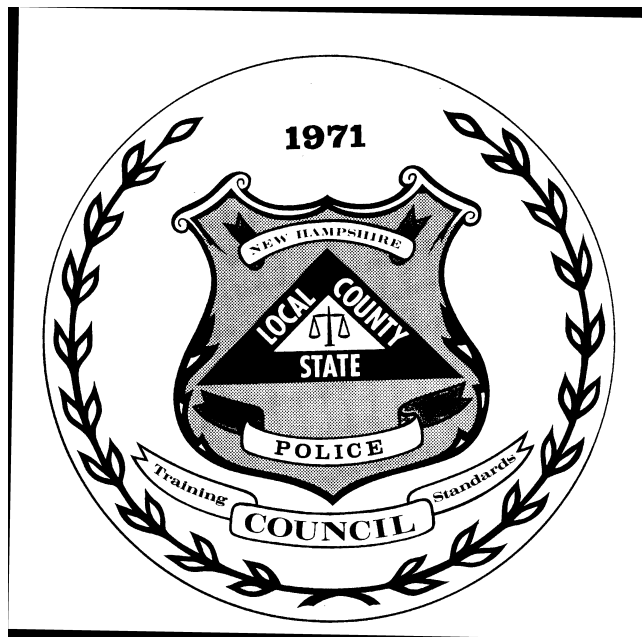


BACKGROUND INVESTIGATION MANUAL

VOLUNTARY GUIDELINES FOR INVESTIGATORS AND POLICE DEPARTMENTS IN THE EVALUATION OF POLICE OFFICER APPLICANTS



STATE OF NEW HAMPSHIRE

DEPARTMENT OF POSTSECONDARY TECHNICAL EDUCATION

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PREFACE

The NH Police Standards & Training Council publishes this manual as a useful guide for screening law-enforcement officer candidates. It can be used by experienced police investigators to conduct model background investigations, and by police chiefs for assessing the qualifications of police officer applicants.

This manual explains various processes for, and recommends limitations for, background investigations which will comply with federal fair employment laws and guidelines, including the Americans With Disabilities Act (ADA).

In evaluating the background investigation material that you gather, you should place your emphasis on developing the "whole person" concept. You should sort and classify the information you have gathered from various sources, and use it to identify the candidate's integrity, past lawful or unlawful behavior, previous job performance level and any other topics helpful in assessing the candidate's qualifications. A legally defensible background investigation should develop facts about an applicant which are demonstrably related to his/her fitness for employment as a law-enforcement officer. Such relevant facts may then be used as a basis for a decision to hire or not to hire the candidate.

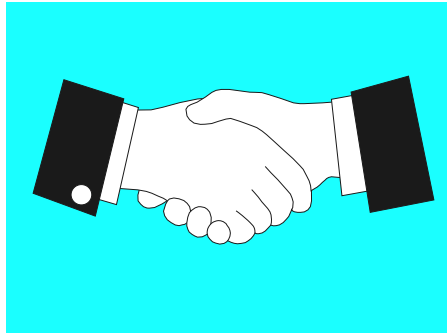
This manual is primarily concerned with the qualifications for entry-level police officer positions, but we highly recommend that you also do a thorough inquiry on any lateral-entry positions, and remind you that the rules of the NH Police Standards & Training Council, adopted under authority of RSA 188-F, require a background investigation including criminal history check, verification of educational requirements with a high school diploma or GED certificate, and proof of United States citizenship for all police officer applicants, whether or not they have prior law-enforcement experience or certification.

Never assume that a previous employer performed these checks, or that the candidate has not acquired a subsequent arrest record or unsatisfactory behavior pattern. It is your responsibility as the hiring authority to verify the items you attest to when you submit a Form "A" (notification of employment of a police officer) to the Council. It also minimizes your risk of lawsuits based on allegations of negligent hiring.

ACKNOWLEDGEMENTS

This Background Investigation Manual was developed to improve and maintain the quality of law enforcement in the State of New Hampshire.

We are grateful to the Maine Chiefs of Police Association and the Maine Criminal Justice Academy, who developed the original document on which this manual is based. Director Maurice C. Harvey of the Maine Criminal Justice Academy was extremely helpful in sharing a wealth of information with us.



THE BACKGROUND INVESTIGATION

The background investigation is a useful tool to evaluate the qualifications of law enforcement officer candidates.

Relevant information concerning the candidate's integrity, lawful or unlawfulness of past behavior, motor vehicle driving record, previous job performance, and many other topics can be explored to assess a candidate's qualifications.

A thorough background investigation involves inquiries into the acts or conduct of an applicant which bear a demonstrable relationship to his/her fitness for employment as a law enforcement officer. These relevant facts may then be used as a basis to hire or not to hire the candidate.

LEGAL CONSIDERATIONS

In recognition of the importance of the background investigation and medical examination to the selection process, the NH Police Standards & Training Council has adopted rule Pol 301. This rule, adopted under authority of RSA 188-F:26-28, mandates as follows:

Pol 301.01 High School Diploma or Equivalent

- (a) No person shall be employed as full-time police or corrections officers who is not a high school graduate, except as provided in (c) or (d) below.
- (b) A legible copy of the person's high school diploma or transcript shall be submitted to the Council with the Council Form "A".
- (c) The Council shall accept the General Educational Development (G.E.D.) certificate issued as prescribed by the New Hampshire department of education or an equivalent body of another state or territory.
- (d) In the absence of proof of successful high school completion or G.E.D. test, the Council shall recognize a transcript verification of successful completion of two years of postsecondary education at any college, university or other postsecondary institution accredited by an accrediting body recognized by the state department of education.

Pol 301.02 Fingerprints and Criminal Record Checks

- (a) The hiring authority shall cause each applicant for employment as a police or corrections officer to be fingerprinted, notwithstanding that the applicant may already be employed by another hiring authority or is already a certified officer. The applicant's fingerprints shall be submitted to the Federal Bureau of Investigation for the purpose of determining the existence of any criminal

history record. The hiring authority shall also check for the existence of a criminal history record in New Hampshire and wherever the applicant has resided.

- (b) No applicant who has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he/she has been pardoned or the conviction has been annulled, shall be appointed as a full-time or part-time police or corrections officer.

Pol 301.04 Physical Examination

- (a) Each uncertified person employed as a full-time police or corrections officer, after being issued a conditional offer of probationary employment by the hiring authority, shall undergo a physical examination by a New Hampshire licensed physician.
- (b) The examination shall be conducted in order to provide all of the information specified on the Council Form "D".
- (c) Council Form "D" shall contain the following information:
 - (1) Name, date of birth, height, weight, and general appearance of examinee;
 - (2) Results of a visual acuity test on the examinee;
 - (3) Lung breath sounds and rales;
 - (4) Date of chest X-ray;
 - (5) Chest configuration, measurements and auxiliary nodes;
 - (6) Blood pressure, pulse rate, and heart sounds and rhythm at rest, after moderate exercise and three minutes after exercise;
 - (7) Condition of circulation to extremities and any abnormalities noted;
 - (8) Results of nervous system tests including Romberg and knee-jerk tests;
 - (9) Any rectal abnormalities noted;
 - (10) Results of abdominal examination and any abnormalities noted;
 - (11) Examination of the eyes, ears, nose, throat and teeth, and any abnormalities noted;

- (12) Mobility, symmetry and posture of the musculoskeletal system, including spine, upper and lower extremities, with notation of any limited function or missing parts;
 - (13) Results of urinalysis and serology tests;
 - (14) Any physical, mental or emotional conditions which, in the opinion of the physician, suggest further examination;
 - (15) Results of an EKG test, if required by the hiring authority, or otherwise indicated by abnormal heart sounds and rhythms;
 - (16) A certification that the examining physician has no reservations about the examinee's ability to participate without restrictions in a rigorous physical training program or perform the duties of a police or corrections officer, as appropriate;
 - (17) Name, address and signature of physician; and,
 - (18) Date of examination.
- (d) Council Form "D" shall also contain a report of medical history section which shall be completed by the examinee.
- (e) The medical history section of the Form "D" shall include information regarding:
- (1) history of prior diseases;
 - (2) hospitalizations;
 - (3) medical treatment;
 - (4) allergies;
 - (5) medical disabilities;
 - (6) illnesses or injuries; and
 - (7) whether or not the examinee:
 - a. has ever been discharged from the military service for medical reasons;
 - b. received a disability pension or compensation;

- c. or been denied insurance or refused employment for medical reasons;
 - d. has ever sought worker compensation benefits for an accident or illness.
- (f) The form shall also contain a signed release by the examinee to allow doctors, hospitals or clinics involved in treatment of the examinee to release the examinee's medical transcript to the Council. It shall also contain a section where the examining physician may enter any comments on the reported medical history, and the name, address and signature of the examining physician.
- (g) The results of such examination shall be submitted to the Council on the Council Form "D" at least 30 days prior to the examinee's attendance at the police or corrections academy.
- (h) No person shall be accepted for attendance at the police or corrections academy unless their Council Form "D" includes a certification by the examining physician that the applicant is certified without reservation to be in satisfactory physical condition to participate in a rigorous program of physical training as noted in Pol 301.04 (c) (16).
- (i) If the physical examination was performed more than six months prior to the start of the academy session, or if the applicant withdrew from a prior academy because of an injury, the Council shall, for good cause, require the hiring authority to have the applicant reexamined prior to final acceptance for attendance at the academy.
- (j) Determination of good cause pursuant to (i) above shall include, but not be limited to, consideration of the following factors:
 - (1) If the nature and extent of the prior injury was such as to present a danger to the applicant unless completely healed;
 - (2) If the applicant's apparent physical appearance indicates that he or she may be unable to engage in strenuous physical activity;
 - (3) If there has been any reported injury or medical history subsequent to the prior examination;
 - (4) If the applicant's physical condition was noted by the physician as marginal at the time of the prior examination; or
 - (5) The applicant experienced difficulty in performing the prior fitness agility test.

Pol 301.20 Background Investigation

- (a) The hiring authority shall conduct, or cause to be conducted, a background investigation, before appointing a person or investing with authority any person elected as a police or corrections officer, notwithstanding that the officer may already be employed by another hiring authority or is already a certified police or corrections officer.
- (b) Prospective applicants shall complete a Personal History Statement for the hiring authority, on a form supplied or approved by the Council. The Personal History Statement shall include the following information:
 - (1) Applicant identification information, including full name, address, telephone, nicknames, social security number, driver's license number, height, weight, hair and eye color, and scars;
 - (2) A listing of residences for the past ten years, including address and dates of residence;
 - (3) Work history for the last ten years, including employer, supervisor, co-workers, dates of employment, and reason for leaving;
 - (4) Military record, including dates and branch of service, highest rank held, and disciplinary actions;
 - (5) Educational history, including high school, colleges/universities and trade schools attended, and major and certification/degrees awarded;
 - (6) Special qualifications and skills, listing licenses held, ability to operate specialized machinery, foreign language proficiency, and other special skills;
 - (7) Convictions, arrests, detentions, and litigation, including agencies, charges, disposition, and civil litigation that the applicant was a party to;
 - (8) Traffic record, including revocations and suspensions of license, automobile insurance information, and a listing of dates, charges, locations, and disposition of traffic charges;
 - (9) Marital and family history, including identifying information on current and former spouses, children, other dependants and relatives;
 - (10) Identifying information on five references or acquaintances;
 - (11) Financial history, including sources of income, real estate owned, identification of bonds, stock, and bank accounts;

- (12) Financial obligations, including identifying information on all forms of indebtedness; and
 - (13) Current date and signature of the applicant.
- (c) Hiring authority shall include in its investigation a check of the following sources in order to determine the applicant's character, reliability and honesty:
- (1) Military records;
 - (2) Documents, including driver's license, social security card, high school diploma and birth, baptism or naturalization records;
 - (3) The National Crime Information Center;
 - (4) All local police files, and police files in all communities where the applicant has lived or worked;
 - (5) State motor vehicle records in each state where the applicant has lived or worked;
 - (6) Schools attended within the past ten years;
 - (7) Past and present neighbors, spouses, and landlords;
 - (8) Acquaintances and character references, and fraternal and social organizations the applicant belongs to or has belonged to;
 - (9) A personal inquiry with the applicant's present and past employers for the past five years;
 - (10) Any other source of information which the above contacts show to be important.
- (d) One or more of items (6), (8), and (10) above may be omitted when, in the opinion of the hiring authority, the applicant's character and background are so well-known to the hiring authority as to render such action unnecessary.
- (e) The hiring authority shall retain in its files until five years after termination, a synopsis of the background investigation report. Such files shall be made available for inspection by the Director or Assistant Director of NH Police Standards and Training, should an occasion arise where the accuracy of those files or compliance with these rules is in question.
- (f) The hiring authority shall conduct a personal interview of the applicant.

- (g) The hiring authority shall evaluate the results of its background investigation and shall not appoint or invest with authority an applicant who:
- (1) suffers from a mental disorder, as defined in Pol 101.27, for which he/she has not undergone effective rehabilitation, which would affect his/her ability to perform law enforcement or corrections duties;
 - (2) has ever been convicted of a felony by a civilian court or by a military court, and for which he/she has never received a pardon;
 - a. A completed suspended imposition of sentence shall not remove a felony conviction from consideration regarding the hiring or certification of police or corrections officers.
 - (3) has been convicted of a misdemeanor by a civilian or military court and for which he/she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant's character, honesty or ability;
 - (4) has been convicted in a civilian or military court of multiple misdemeanors or violations for which he/she has not received a pardon, and which would indicate to a reasonable person a pattern of disregard for the law;
 - (5) has been convicted in a military or civilian court in the ten years immediately before application for hire as a police or corrections officer of a misdemeanor for which he/she has not received a pardon, and which resulted in a serious bodily injury to another person;
 - (6) has ever been dishonorably discharged from the military service;
 - (7) has been discharged from the military service under other than honorable conditions, where the circumstances, in the opinion of a reasonable person, would cast doubt on his/her fitness to be a police or corrections officer;
 - (8) has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:
 - a. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state where the conduct occurred;

- b. That the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as defined in Pol 101.38; and
 - c. Where a sale did occur, it was not for profit, meaning the conduct did not result in an excess of return over expenditure in a transaction or series of transactions.
- (9) within 36 months before the application for hire, has illegally used a controlled substance other than marijuana, unless the applicant was under the age of 21 at the time of using the controlled substance, in which case 24 months shall apply;
- (10) within 12 months before the application for hire, has used marijuana;
- (11) while employed in a law enforcement capacity has ever illegally used a controlled substance;
- (12) has knowingly made a material false statement in the application process;
- (13) has been discharged or allowed to resign in lieu of discharge for reasons of moral character as defined in Pol 101.28 or moral turpitude as defined in Pol 101.29, from employment as a police or corrections officer for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of this State or Nation.
 - a. For purposes of this section, a determination of a lack of "good moral character" is not restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by their behavior, including but not limited to the following:
 - 1. Illegal conduct;
 - 2. Conduct involving dishonesty, fraud, or attempted deception regarding an application, examination or other document for securing employment, eligibility, or certification;
 - 3. Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence;

4. Conduct that would adversely reflect on a person's fitness to perform law enforcement or corrections duties, including but not limited to:
 - (a) the excessive and illegal use of force;
 - (b) intoxication while on duty;
 - (c) sale or use of illegal controlled substances;
 - (d) DWI;
 - (e) domestic abuse;
 - (f) undue familiarity with known criminals;
 - (g) sexual harassment;
 - (h) brutality;
 - (i) stalking; or criminal violations of a protective order;
 - (j) slanderous use of confidential information;
 - (k) bribery or acceptance of illegal gratuities;
 - (l) theft or misappropriation of funds or property;
 - (m) adultery;
 - (n) child abuse;
 - (o) perjury;
 - (p) assault; or
 - (q) disorderly conduct.
- (14) has a history of illegal drug use which, in the opinion of a reasonable person, would cast doubt on his/her fitness to be a police or corrections officer;
- (15) uses any legal drugs or alcohol to excess.
- (16) whose general character and reputation in the community are such that a reasonable person would doubt that the applicant would

conduct him/herself with honesty and integrity and uphold the rule of law.

- (h) If there is any indication of mental disorder, the applicant shall not be appointed unless the results of a mental status examination conducted by a New Hampshire licensed psychologist or psychiatrist indicates that the applicant is fit for duty as a police or corrections officer.
- (i) The hiring authority shall inquire whether certification or license of the person as a police or corrections officer has ever been denied or revoked by the Council or by a similar agency in another jurisdiction, and, if so, whether the denial or the revocation has been rescinded. The hiring authority shall not appoint an officer whose certification or license is under suspension or revocation in this or any other jurisdiction.
- (j) All information, documents and reports obtained by a police or corrections department as part of the background investigation shall be retained by the department, along with any criminal record and copies of the Personal History Statement, the medical examination, the high school diploma or G.E.D. certificate, and the psychological status report if any. Such documents and reports shall be made available for inspection by the Director or Assistant Director of NH Police Standards and Training, should an occasion arise when the accuracy of those documents or compliance with these rules comes into question.
- (k) Prior to admission to the academy or part-time officer training course, or prior to submitting a request for certification based on prior training and experience, the hiring authority shall certify to the Council on Council form "I", titled "Affidavit of Background Investigation". Completion of this form shall indicate that he/she conducted a background investigation on the applicant in compliance with the provisions of this rule, and caused the applicant to be fingerprinted on an applicant card, and that the department has received or is waiting for written notification from the Federal Bureau of Investigation that the applicant has no criminal history record that would prohibit his/her hiring according to these rules.
- (l) The hiring authority shall provide the following information on the Form "I":
 - (1) The name of the hiring official;
 - (2) The name of the applicant;
 - (3) The list of required areas of inquiry listed in Pol 301.20 (c) 1-10;
 - (4) The signature of the hiring official; and
 - (5) The date of completion.

Frequently, police departments will ask us, "What constitutes a sufficiently thorough and legal background investigation?" In general, you may explore any act of conduct which is related to an applicant's fitness for the job. In addition, certain minimum job qualifications are mandated by Council rules for full- and part-time police officers.

As a result, certain relevant facts must be verified in the background investigation, such as criminal record, U. S. citizenship, and the possession of a high school diploma or General Education Development certificate.

On the other hand, certain areas of investigation are prohibited by federal laws and regulations. For example, no questions can be asked, directly or indirectly, concerning a job applicant's race, color, religion, national origin, ancestry, sex, or physical, mental or medical disabilities, before a conditional offer of probationary employment has been made.

You can, however, seek all other information about prospective employees, and establish job-related performance qualifications.

Whatever qualifications or standards you set must be applied equally to all persons. Further information regarding permissible areas of inquiry can be obtained from the New Hampshire Human Rights Commission. Title VII of the Federal Civil Rights Act of 1964 prohibits employment discrimination on the grounds of race, color, religion, sex, or national origin. The Federal Age Discrimination in Employment Act of 1967 prohibits discrimination on the grounds of age. Several other federal acts prohibit various forms of discrimination by employers receiving federal financial assistance. Some of these laws are listed and summarized in Appendix 4. Also, the Americans With Disability Act (A.D.A.), (Appendices 19, 21, 23, 24) prevents hiring discrimination against persons with a medical disability or handicapping condition, if they can perform the essential functions of the job with reasonable accommodation. Although a detailed discussion of these laws is beyond the scope of this manual, our recommendations have taken these laws into consideration.

As an employer, you face the dilemma, "How thorough must a background investigation be in order to select the best candidates? How restricted must it be in order to avoid violating fair employment legislation?" It is with this troublesome dilemma in mind that this manual attempts to recommend the content and scope of a normal background investigation.

SCOPE OF MANUAL

This manual does not establish standards beyond those required by state law and by the rules of the NH Police Standards & Training Council.

The information in this manual consists primarily of model guidelines and recommendations for conducting the background investigation. The manual was

not designed to produce additional background investigation standards and procedures. Therefore, it does not set forth new requirements and prohibitions, but rather reiterates the law and rules, and contains PSTC recommendations to:

1. increase the likelihood of uncovering job-related facts in the background investigation; and
2. decrease the likelihood of using employment practices which are not job-related and have an adverse impact on the employment opportunities of individuals protected by fair employment legislation.

The word "model" is used in a specific way in this manual. The recommended practices and procedures are what PSTC recommends that you include or exclude from the content and scope of a model background investigation which we recommend for all basic-level law enforcement officer candidates. For some candidates, there will be justifiable, job-related reasons for going beyond the routine investigation into areas that otherwise should be avoided.

Guidelines for justifying going beyond the model background investigation are outlined elsewhere in the manual. (See section "Inquiries into Non-recommended Areas.") Nothing in this manual should be interpreted as preventing you from delving into any background areas which you believe can be justified as job-related.

In reviewing this manual you may feel that PSTC has been too cautious and restrictive in our recommendations. You should feel free to investigate any areas which can be legally justified as relevant to a candidate's qualifications for a position as a police officer, except that medical inquiries can only occur after a Conditional Offer of Probationary Employment has been made. The purpose of this manual is merely to assist you in establishing hiring practices which may reduce the possibility of costly litigation, and ensure equal employment opportunity for all applicants.

The background investigation may be the last step before the hire/no hire-decision, or you may put it at the front end, and do further inquiry after a Conditional Offer of Probationary Employment has been made, in order to resolve any medical or mental health concerns. Anti-discrimination and fair employment laws apply at all stages of the personnel selection process. The Appendices will assist you in complying with these laws.

OUTLINE OF BASIC BACKGROUND INVESTIGATION TECHNIQUES

The evaluation of background information on police officer candidates must be done on an individual basis. Because no one can predict the many facts and circumstances which constitute one person's background, and no two people are exactly alike, specific definitive background investigation requirements are impossible. Nevertheless, certain standard steps can be taken to increase the

efficiency and effectiveness of the background investigation as a selection tool, and to reduce the potential for using this information inappropriately. We recommend the following steps:

1. Establish essential job functions (see Appendix 18) and desired personal characteristics (see Appendix 6) which can be used as a basis for evaluating an applicant's qualifications to be a police officer.
2. Establish written guidelines that identify the kind of past behavior which is not rationally compatible with acceptable police officer performance. The emphasis on the negative is deliberate. It is much easier to justify rejecting a candidate based upon past undesirable behavior, than to justify choosing one candidate over another based upon relative degrees of desirable past behavior. Your judgment should be based upon research by your own agency which proves that certain behavior reliably predicts different levels of employee performance.
3. Establish a written procedure or S.O.P. by which the facts gathered in the background investigation will be evaluated in terms of the essential job functions and desired personal characteristics. Also, decide how the background investigation information will affect your final hire/no-hire employment decision.
4. Conduct a background investigation on every candidate who reaches the Conditional Offer of Probationary Employment stage in the selection process. Use our recommended guidelines for conducting it.
5. Go beyond the recommended model investigation only in those circumstances where it is necessary, and can be justified as job-related.
6. Evaluate the background investigation information according to your written guidelines, and make use of the information in the decision-making process.
7. Establish an appeals process to handle appeals resulting from adverse (to the applicant) employment decisions, and inform each applicant of this process in advance.

Our recommended background investigation focuses on the aspects of an applicant's background which have the highest potential for yielding job-related information. Conversely, we recommend that you generally avoid those aspects of background which are only questionably job-related. In order to assist you in conducting the investigation, we have developed a recommended Personal History Statement. (See Forms section.)

The areas of inquiry presented in the Personal History Statement and discussed in this manual have been determined by:

1. an evaluation of the correlation between many possible background topics and the requirements of the job as determined by the requirement to pass the NH Police Training Academy course, and a patrol officer job task analysis;
2. a review of federal fair employment laws, cases and guidelines, and the Americans With Disabilities Act.

The resulting set of model procedures is designed to substantially further the twin goals of merit employment and fair employment in New Hampshire law enforcement agencies.

JOB FUNCTIONS AND DESIRED PERSONAL CHARACTERISTICS

Throughout this manual you will see references to essential various job functions and desired personal characteristics for police officers. These job functions are descriptions of representative tasks under the following general duty areas:

1. Patrol and Investigative Tasks
2. Traffic and Motor Vehicle Tasks
3. Oral Communication Tasks
4. Written Communication Tasks
5. Physical Performance Tasks

This listing of tasks within general duty areas is correlated to the curriculum of the NH Police Training Academy which, in most instances, relates to the Patrol Officer position, and has been validated by our Job Task Analysis.

From this listing of representative tasks, a compilation of personal characteristics and capabilities desired in New Hampshire law enforcement officers was prepared under the following headings:

1. Communication Skills
2. Problem-solving Ability
3. Learning Ability
4. Judgment Under Pressure
5. Observational Skills
6. Willingness to Confront Problems

7. Interest in People
8. Interpersonal Sensitivity
9. Desire for Self-Improvement
10. Appearance
11. Dependability
12. Physical Ability
13. Integrity
14. Operation of a Motor Vehicle
15. Credibility as a Witness in a Court of Law

Details of both the list of job dimensions and the desired personal characteristics appear in Appendices 5 and 6 respectively. We used the list of desired personal characteristics to develop a broad range of possible background aspects that would be relevant to a person's performance as a law enforcement officer. The result was the establishment of the recommended areas of inquiry into an applicant's background which appear in this manual.

AREAS OF INQUIRY

This manual lists and describes areas of inquiry for the model background investigation. For each area of inquiry, we make suggestions for investigators concerning what might be revealed about a candidate.

We also list those areas of inquiry which usually should be avoided because of questionable job-relatedness, or conflict with the A.D.A.

This manual discusses background areas of inquiry relative to the questions that appear in the Personal History Statement. However, we do not discuss in detail some of the more obvious, self-explanatory questions in the Personal History Statement.

In some cases, we treat areas of inquiry (such as RESIDENCES) in a broad, generalized manner, rather than dealing with individual questions.

Many potential areas of inquiry are considered in the manual. If a particular area is not mentioned, you should assume that it was not considered. Before delving into such an area, you should carefully analyze it to determine whether it relates to an essential job function.

As a general guideline, don't make an inquiry that doesn't relate to a job function, and don't make an inquiry about a handicap or liability until after a Conditional Offer of Probationary Employment has been made.

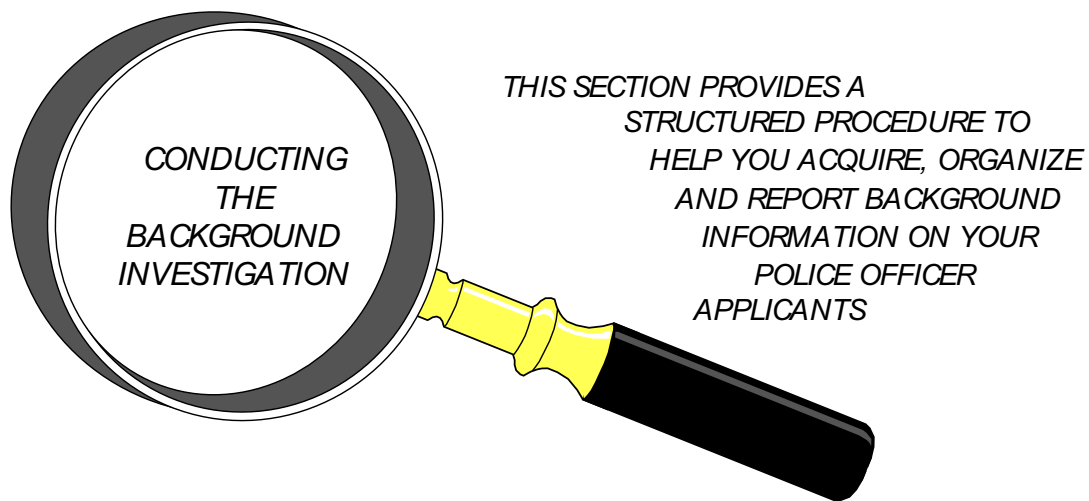
The model background investigation recommends a wide range of areas of inquiry with a high potential for yielding job-related information. Investigation into those areas may or may not yield information relevant to an applicant's qualifications for the position of police officer.

Your judgment as to the relevance of specific background facts must be made on a fact-by-fact, case-by-case basis by considering, among other things:

1. Patterns of past behavior, and specific combinations of facts and circumstances;
2. The likelihood of recurrence of undesirable behavior;
3. The degree of relationship between past behavior and the requirements of the position applied for;
4. The length of time between particular undesirable acts and the date of the employment application, with consideration given to the intervening behavior of the applicant;
5. The legal rights of the applicant.

Mindful of these considerations, and in conjunction with the written guidelines of your agency concerning the kind and degree of negative behavior you are willing to accept in an applicant, you should individually evaluate each applicant's qualifications.

<i>MODEL PERSONNEL SELECTION PROCESS</i>	
1.	Position announced or advertised
2.	Check for high school diploma, G.E.D. and citizenship requirement
3.	Written exam held
4.	Notification of results
5.	Physical agility, with physician's slip clearing applicant to take it
6.	Oral interview
7.	Conditional offer of probationary employment
8.	Polygraph examination
9.	Physical examination
10.	Psychological examination
11.	Background investigation
12.	Appointment



A proper background investigation is an objective, fact-finding process, that results in an accurate record of a candidate's past conduct and behavior. Your job, if you are a background investigator, is to investigate and report the pertinent aspects of the candidate's background, not evaluate those facts. Your investigation, therefore, should be descriptive, not evaluative.

Your objective is to provide sufficient information so the Police Chief or administrator making the employment decision can judge the significance of a candidate's past conduct in relation to the job requirements.

The background investigator's role can be distinguished from that of a criminal investigator in at least one important way. A criminal investigator is typically oriented toward negative information. Facts that might mitigate the significance of a crime or demonstrate the suspect's personal strengths and abilities are matters to be considered by the defendant's attorney or perhaps his/her probation officer, not the criminal investigator.

A background investigator, however, must consider both negative and positive information. While it is important to investigate all incidents in the background of candidates which may reflect unfavorably upon their ability to perform satisfactorily as police officers, it is equally important to include information on any mitigating circumstances surrounding an incident, which might explain or diminish its significance.

Finally, the rights of the candidate should be safeguarded throughout the process. One of those rights is the right to a fair, careful, and thorough evaluation of his/her candidacy. Another important right is the right of privacy. There is always the potential for conflict between the department's right to certain information concerning the candidate's background and the candidate's right to privacy. It is the investigator's responsibility to avoid unwarranted invasion of a candidate's privacy while, at the same time, developing the information necessary for a sound judgment as to the candidate's suitability for employment. This responsibility

requires (1) that only job-related inquiries be made, and (2) that the information obtained be treated as strictly confidential.

THE PERSONAL HISTORY STATEMENT

The basic document on which your background investigation should be based is the Personal History Statement completed by the applicant. (See Forms section.) The candidate should be provided with a copy of the Personal History Statement, and given a reasonable length of time to complete and return it. At the same time, candidates should be given a list of the documents which they will be required to provide. These documents may include:

1. birth certificate (to aid in criminal history check);
2. driver's license;
3. high school diploma or G.E.D. certificate (mandatory);
4. high school transcript;
5. college diplomas;
6. transcripts of all college or university work completed;
7. U. S. citizenship papers, if naturalized (mandatory);
8. certification documents and police training academy curriculum, if certified in another state.

Where possible, the applicant should be told as early in the selection process as possible, which documents will be required for the background investigation. Also, the applicant should be fingerprinted, and requests for criminal records sent to the appropriate agencies as early as possible, including the FBI.

INVESTIGATIVE CONSIDERATIONS

Throughout the investigation, the investigator should keep in mind the following:

1. Mere Facts

The mere existence or non-existence of a particular background information item is rarely proof of an individual's qualification for the job. It is more important to investigate the facts and circumstances surrounding that item. Only when the existence or non-existence of a particular item of background information is required by law is the "mere fact" significant in itself.

2. Confidentiality

- a. The information given by an applicant in the Personal History Statement, and information obtained by the investigator is private and confidential. At no time during the investigation or thereafter, should any portion of the investigation be revealed to persons other than those who are authorized to evaluate the results.
- b. As a general rule, the information gathered from third persons during the background investigation should not be revealed to the applicant. Only department officials authorized to evaluate the applicant should have access to this information. However, under various circumstances, the applicant may become aware of the contents of the investigation. For example, during the discrepancy interview (see page 25), some information may be disclosed when the applicant is questioned about inconsistencies or contradictions between information given in the Personal History Statement and that obtained during the investigation. During the discrepancy interview, the investigator should avoid revealing the source of any information.
- c. An applicant who is rejected following the background investigation and who subsequently appeals, will also have some access to the information gathered from third persons. The amount and type of information accessible to the applicant will be determined by the rules of your agency's appeal process.
- d. Other situations in which an applicant may have access to background investigation information from third persons would include state administrative action by the NH Human Rights Commission, federal administrative action by the Equal Employment Opportunity Commission, and state and federal court actions. These administrative agencies and courts may have rules of procedure and evidence which would give the applicant access to information gained during the background investigation.
- e. Medical information: Information gathered during the medical examination is subject to the same confidentiality restrictions as the above information. Medical or mental health information should be referred to the examining physician. All of the information gathered is to be used solely to make a sound judgment as to the applicant's physical and mental ability to perform the job of a law enforcement officer, and no medical information can be collected until after a conditional offer of probationary employment has been made. Medical records must be kept in a separate, restricted access file, or a sealed envelope in the regular file folder, with access only on a need-to-know basis.

3. **Demeanor of Investigating Officer**

The applicant and all other persons contacted during the course of the investigation may not have had prior personal contact with a law enforcement officer. It is important that they be left with a feeling that courtesy, integrity, and thoroughness are qualities of law enforcement officers in general, and of the law enforcement agency represented by the investigator.

4. **Discontinuance of Investigation**

If, during the course of the investigation, information is obtained which will positively lead to rejection of the candidate, the investigator should consult with the appropriate superior officer to determine if the investigation should be discontinued.

5. **Objectivity**

It is very important that the investigator maintain objectivity throughout the investigation. No personal biases should affect the quality and content of the investigation.

6. **List of Desired Personal Characteristics**

Regardless of how you contact persons who know the applicant...through personal interview or through the mail...you should provide these persons with the list of Desired Personal Characteristics. (See Appendix 6.) Familiarity with this list will assist your sources in providing information relevant to the applicant's qualifications for the job. Although it is possible that any relative, reference, acquaintance, or other contact person who is interviewed might have relevant information about all the items on the list, this is extremely unlikely. It is also unlikely that any one individual would be qualified to assess the applicant on all items. For example, the learning ability trait is difficult to assess, and evaluations of this trait should come only from those individuals who by reason of education, training, or experience know the operational definition and specific indicators of the trait.

The investigator should carefully evaluate all relatives, references, acquaintances, and other contact persons to determine their qualifications to speak on various aspects of the applicant's character. Consider: (1) the type of interaction the individual had with the applicant, (2) the duration and recency of that contact, and (3) any relevant education, training, experience, or specialized knowledge the individual may have. Based on these considerations, the investigator should identify those items on the list of Desired Personal Characteristics which the individual would be most likely

to have relevant and accurate information about, and concentrate on those in the interview.

INQUIRIES INTO NON-RECOMMENDED AREAS

This manual recommends what we feel should be a part of a model, job-related background investigation. We outline relevant areas of inquiry, and areas which should generally be avoided.

However, you can never predict when information might surface about any of the desired personal characteristics. Whenever your model investigation reveals a probability of relatedness between the non-recommended areas of inquiry and one or more of the desired personal characteristics, your inquiry may be expanded into a non-recommended area subject to the following conditions:

1. The lead resulted from your routine investigation into the recommended areas;
2. You believe there is a reasonable chance of finding relevant information;
3. You document the lead, the reason for delving into the non-recommended area, and the scope and limitations of the intended investigation.

INQUIRIES INTO UNDESIRABLE BEHAVIORS

This manual does not address specific disqualifiers, beyond those required by law or rules. Thus, it does not consider many specific examples of undesirable behaviors which could constitute grounds for disqualification of a candidate. For instance, no direct mention has been made of the following:

1. Specific non-felonious unlawful acts which individually or in combination may indicate that an applicant is unsuited for police work;
2. Aberrant or deviant behavior which may be indicative of a serious mental disorder as defined in PSTC rule Pol 101.27;
3. Other behavior which may violate the public sense of propriety, to the extent that it would lessen public trust and confidence in the hiring law enforcement agency.

Decisions concerning whether a candidate's past behavior fits into one or more of the above categories must be made by the employing agency, after careful consideration of the relevant facts and circumstances. Any indication of illegal, aberrant, deviant or outrageous behavior which is uncovered in the course of a routine background investigation should result in a full investigation of the facts. If a mental disorder is suspected, the information should be evaluated by a licensed psychiatrist or psychologist with experience in the law enforcement area, following the Conditional Offer of Probationary Employment.

BEGINNING THE INVESTIGATION

To begin the background investigation, the investigator should carefully review the signed, completed Personal History Statement. It is the basic document of the investigation. It should be checked for inconsistencies, conflicting statements, or omissions. It should be checked against the initial application form, and should be checked against all verifying documents. The investigator should note any incomplete items, for discussion with the applicant.

Next, the investigator conducts a preliminary interview with the applicant, reviews the Personal History Statement for completeness and clarity, and discusses any questionable areas. Where the Personal History Statement reveals unusually favorable or unfavorable information, the investigator obtains further details from the applicant.

During the initial phases of the investigation, the investigator assembles the necessary documents to verify the applicant's birth date, fulfillment of the high school education requirement, military service, U. S. citizenship, and possession of a valid New Hampshire driver's license. These documents should be secured from the applicant, copied, and returned to the applicant to ensure that they are not lost or misplaced.

To speed up the process, records that will take some time to obtain should be requested as soon as possible. For example, fingerprint cards should be sent immediately to the State Police Bureau of Criminal Identification and to the F.B.I.. (See Appendix 8.)

PREPARING A FOLDER OR A WORK SHEET

The investigator catalogues the documents which are needed to verify compliance with all requirements, or which are needed to support other facts. The list should include the following:

1. **Birth Date:**
 - a. Any offered documentation to verify date of birth, to facilitate criminal history checks;
2. **Required Education:**
 - a. High school diploma, or
 - b. General Educational Development (G.E.D.) certificate, or
 - c. Other education and training that is claimed, such as college transcripts

3. Valid New Hampshire driver's license

The names, addresses and telephone numbers of persons to be contacted or personally interviewed are obtained, so that these people can be contacted in a logical sequence. To save time, appointments should be made in advance. The investigator's schedule should be kept flexible to enable him or her to follow leads developed during the investigation.

A separate list of persons or sources of information that require contact by mail is also made. For example, requests must be made by mail to the F.B.I., the State Police Bureau of Criminal Identification, the State Division of Motor Vehicles, courts, and some out-of-town or out-of-state references. Subsequent sections in this manual provide more information on specific information sources which will require mailed inquiries.

SECURING NECESSARY FORMS AUTHORIZING RELEASE OF INFORMATION

Before the investigation begins, the investigator has the applicant sign a form or forms authorizing the release of information. (See Forms section.) These forms should be completed and signed by the applicant in sufficient quantity to provide at least one for each school, financial and employment source identified in the Personal History Statement.

Special precautions should be taken when soliciting financial information. (See "Practical Considerations" in the financial section of this manual for instructions on modifying forms authorizing release of information.) It is a good idea to require the investigator to present a copy of the release to each source interviewed or questioned, to verify that the investigation is for employment purposes.

For military records information, the applicant must sign the release authorization block of the "Request Pertaining to Military Records" (See Appendix 9.)

If medical information from a private firm or physician is necessary, an appropriate authorization for release of medical records is needed. However, such information can only be sought after a Conditional Offer of Probationary Employment, and not before, or it would violate the Americans With Disabilities Act. (See Forms section.)

SENDING LETTERS OF INQUIRY AND REQUESTS FOR INFORMATION

Personal interviews are preferable to mailed inquiries, since more information can be obtained, and the source of information evaluated. When interviews are impractical, sources of information should be contacted by mail. The investigator should determine what letters or requests for information forms must be mailed. Replies should be reviewed by the investigator as soon as they are received, and any questionable areas pursued before the investigation is terminated. People are

more likely to comply with your requests if you enclose a self-addressed, stamped envelope.

INTERVIEWING

Suggested interview questions on various topics are provided under the appropriate topic headings throughout this manual. The investigator should try to obtain specific facts to support any general statements given.

Take complete notes of all interviews, in order to ensure accuracy. Quoting or paraphrasing is preferred over subjective conclusions. Be sure to record the name, address, and telephone number of each person interviewed, as well as the date, time and location of the interview.

DISCREPANCY INTERVIEW

Once the background investigation has been completed (or during the course of the investigation), if the investigator becomes aware of inconsistencies or contradictions between information supplied in the Personal History Statement and that obtained during the investigation, he/she should schedule a discrepancy interview with the applicant to resolve the questionable areas. The investigator should not reveal the source of any information obtained during the background investigation.

FINAL EVALUATION OF THE APPLICANT

The background investigator is in the best position to evaluate the applicant's personal characteristics. From the facts gathered, the investigator writes a final report which summarizes all the facts gathered, including a final section which summarizes his/her evaluation of the applicant's qualifications with regard to the job dimensions. The investigator does not make the final hire/no-hire recommendations, but leaves that decision to the department head, who controls the total selection process.

NARRATIVE REPORT AND SUMMARY

The written report should be complete, concise, and in narrative form. All documents and material necessary to verify compliance with departmental and PSTC requirements should be submitted with the report to the Police Chief or the administrative officer designated to receive, review and evaluate it. Included with the report should be verifying documents, unused signed authorizations, returned forms and letters, the investigator's notes of interviews, and any other pertinent material. The report should be factual. For completeness, all information should be included. This will also facilitate a sound judgment of the applicant's qualifications. Persons interviewed should be either quoted verbatim or paraphrased.

A narrative report and summary will help the investigator to organize and write the final evaluation. (See Appendix 10.) Summaries should be included along with the narrative report, to form the basis for the investigator's evaluation.

The following areas of inquiry are suggested for the narrative report. They follow the major sections on the Personal History Statement:

- A. Application Identification
- B. Residences
- C. Experience & Employment
- D. Military History
- E. Education
- F. Special Qualifications & Skills
- G. Legal
- H. Motor Vehicle Operation
- I. Relatives
- J. References & Acquaintances
- K. Financial

APPEALS

A selection process which is fair must also include a mechanism for appealing the employment decision. Each department should have a written policy outlining the steps a candidate may take to appeal a disqualification based upon the background investigation. As a source for guidance in the establishment of an appeals procedure, your agency should check to see if a preexisting appeals procedure exists for your employees under the city charter, town ordinances, or other personnel regulations. You should also have an A.D.A Coordinator for your agency to make decisions relative to possible accommodations for disabled applicants. If such a procedure exists, you should determine the limits of its applicability, and the possibility of modifying it for use by your agency.

A valid appeals process also designates the persons who will listen to an appeal, and rules of procedure and evidence. An appeals process for employment-related decisions usually involves an administrative hearing. As such, it is subject to possible judicial review.

In handling appeals, you should keep in mind the two major aspects of the background investigation decision:

1. The information upon which the disqualification is based should be verified and determined to be accurate;

2. A rational connection between the disqualifying information and the documented requirements of the job should be established.

Revised 1/28/92; 10/23/95

AREAS OF INQUIRY



APPLICATION IDENTIFICATION

The personal information in Part A. in the Personal History Statement is requested primarily for verifying that the applicant is who he/she claims to be, and to facilitate contacting the applicant during the course of the selection process.

Name

If the investigator finds that an applicant has used aliases or other means of identification for fraudulent purposes, this will reflect unfavorably on the applicant's integrity or credibility as a court witness.

The use of religious or ancestral names, the decision of a woman not to use her husband's last name, or the decision of a man to use his wife's last name should not be considered improper action by the applicant. In New Hampshire, the law permits individuals to use any name, as long as the change of name is not for fraudulent purposes.

Citizenship

An applicant must be a citizen of the United States of America. U. S. citizenship can be verified as follows:

1. Birth in the United States:

- a. A copy of the person's birth certificate; or
- b. A copy of court documentation attesting to citizenship in the absence of a record; or
- c. A current valid passport.

2. Birth on Foreign Soil of American Parentage.

A child born of American parents in a foreign country has the option of being a citizen of that country, or of the United States. Neither is legally recognized until declared by the individual. In order to be legally recognized as a U. S. citizen, the individual must have received:

- a. a "Certificate of Naturalization" from the Department of Immigration and Naturalization, or
- b. a "Report of Birth Abroad" of a citizen of the United States issued by a consular official, or

- c. a Department of Immigration and Naturalization Form G-641 "Application for Verification of Information and Naturalization Service Records."

Without one of the documents cited above, an individual born on foreign soil of American parents cannot be hired as a law enforcement officer in the State of New Hampshire.

Human Rights Commission considerations indicate that inquiries generally should not be made into:

1. the applicant's lineage, ancestry, national origin, descent, parentage, birthplace, or mother tongue;
2. the nationality of the applicant's parents or spouse;
3. how the applicant acquired the ability to read, write or speak a foreign language.

Photograph

Requiring a candidate to submit a photograph of him/herself may violate regulations which prohibit non-job related inquiries which express, directly or indirectly, any limitation, specification, or discrimination as to age, race, religion, color, national origin, ancestry, physical or mental handicap, or sex. (Several of these characteristics could obviously be indicated by the photograph.) Once hired, of course, I.D. photos can be taken of an officer and included in his/her personnel jacket.

We recommend that you solicit a photograph from the applicant on a voluntary basis, however, to help identify him/her when references are contacted. Before a photograph is used, an attempt should be made to help the reference person recall the applicant based only upon the applicant's name and a general physical description. A photograph should be used as a last means of identifying the applicant to a reference person.

Before soliciting a photograph, the applicant should be informed of the following:

1. How, where, and when the photograph will be used;
2. The difficulty of completing a satisfactory background investigation without the aid of a photograph;
3. That providing a photograph is not required, but is voluntary;
4. That specific precautions will be taken with respect to the use of the photograph.

To ensure that a photograph is not improperly used, certain steps should be taken. First, the photograph should not be attached to the application or other personnel documents. Instead, it should be noted in the file that a photograph was voluntarily offered and the notation should be dated and initialed.

Second, the photograph should only be used for identification purposes. Third, the photo should not depict any disabling condition that the person may have. Finally, the photo should be destroyed or returned to the applicant after the background investigation is complete. It should not be forwarded to the decision-makers. The date of the destruction or return should be noted and initialed by the person taking the action.

RESIDENCES

An applicant is requested to list current and previous residences in Part B. in the Personal History Statement, so you can contact neighbors, landlords, apartment managers - anyone acquainted with the applicant by reason of residence - in order to gather information about his/her qualifications. The key to the appropriateness of contacting these people is the degree and recency of their interaction with the applicant. For that reason, the applicant is only asked to list residences for the last ten years. Care must be taken in evaluating the likelihood of obtaining reliable information. A neighbor with whom the applicant has only a casual, intermittent relationship would not be a good choice as a source of information. The investigator must determine the extent of the source's contact with the applicant.

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. contact current and previous landlords;
2. contact current and previous neighbors;
3. inquire into the reason for change or changes in the applicant's residence.

DISCUSSION OF AREAS OF INQUIRY

Generally, no conclusions should be drawn from the mere fact of an applicant's owning, renting, or living with relatives or friends. There is no reason to conclude anything job-related from this information alone.

Neighbors and Landlords

Current and previous neighbors and landlords who are familiar with the applicant frequently can provide information on many of the desired personal characteristics.

The reliability of information obtained from these sources must be carefully evaluated, and should not necessarily be given more weight than information from the applicant.

Information from a single contact should not be the basis for disqualifying an applicant. Its relevance should be evaluated, and combined with the totality of information gathered.

Asking neighbors and landlords about an applicant's style of living, such as the number of persons living in the residence, housekeeping habits, condition of home, yard, or vehicle can lead to poor conclusions because of the subjectivity involved. However, where the condition of the home is grossly unsanitary or indicates other illegality, the situation should be further investigated.

Changes in Residence

It is acceptable to inquire into the reasons for changes in the applicant's residence, because the inquiry might possibly indicate something about the applicant's interpersonal sensitivity, dependability, or integrity. If there appears to be a pattern of frequent moves, no judgment should be made from that fact alone, but further investigation is indicated.

PRACTICAL CONSIDERATIONS

When interviewing current and previous neighbors or landlords, the investigator should ask such questions as:

1. How long have you known the applicant?
2. How well do you know the applicant?
3. Do you know how the applicant gets along with neighbors?
4. Does the applicant display any evidence of prejudice toward any racial, ethnic, or religious group?
5. Can you think of any reason why the applicant might not be qualified to become a law enforcement officer? At this point, if the person you are interviewing brings up the existence of a medical or physical condition without your suggesting it, you can document what you were told.
6. Can you recall anything about the applicant that would question his/her reputation for truthfulness and respect for the law?
7. Can you suggest any other persons who might have information about the applicant?

8. Does the applicant make rent payments promptly?

If personal interviews with neighbors or landlords are not possible, these inquiries may be made by letter.

EXPERIENCE & EMPLOYMENT

An investigation into the applicant's experience and employment history is one of the most important areas in the background investigation.

Self-control, dependability, reputation for truthfulness, and respect for the law are personal characteristics to look for in such an investigation. In Part C. in the Personal History Statement the applicant will supply a list of all jobs held during the past ten years. The information will include the names and addresses of employers, names of supervisors, names of co-workers, dates employed, reasons for leaving, and titles or duties (for identification purposes only).

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. inquire into the applicant's employment history;
2. contact past employers and supervisors;
3. contact past co-workers;
4. inquire into the reason for the applicant's having had no previous employment;
5. inquire into whether the applicant has ever been fired or asked to resign from any place of employment;
6. inquire into an applicant's reason for leaving a job, if that reason is other than being fired or being asked to leave;
7. determine whether the applicant has had extended work absences in previous jobs; (Do not ask about sick leave until after a Conditional Offer of Probationary Employment.)
8. inquire into the facts which formed the basis for rejection of the applicant from another position with duties and powers similar to that of a law enforcement officer;
9. determine whether the applicant has ever filed a claim for worker's compensation; (Do not ask until Conditional Offer of Probationary Employment is made.)

10. inquire into whether the applicant has ever received unemployment insurance or other state or federal assistance through fraudulent means;
11. inquire into any apparent gaps in employment history.

Present and past Employers and Supervisors

The background investigator should interview or contact past employers and supervisors of the applicant, because the employment setting may have given the applicant the opportunity to learn and demonstrate behaviors relating to several essential job functions. Also, an employer or supervisor may have had the opportunity to observe the applicant in a wide range of situations. If there has been sufficient contact with the applicant, an employer or supervisor may be able to supply relevant information relating to the applicant's qualifications to be a law enforcement officer.

Present employers should also be contacted. However, the investigator should avoid placing the applicant's present job in jeopardy. In the Personal History Statement, the applicant is asked if any problem might result if such an inquiry is made.

The investigator must take care to evaluate the degree and recency of contact between the employer or supervisor and the applicant. For example, information from a past employer who only dimly recalls the applicant from a summer job five years ago, should be viewed cautiously. Information concerning the title and duties of the applicant should be used only for identification purposes when contacting the employer or supervisor. Generally, no conclusions about the applicant's qualifications should be drawn from this information.

When interviewing past employers and supervisors, the investigator should ask questions such as:

1. Why was the applicant's employment terminated?
2. Was the applicant punctual and dependable?
3. Do you have any record of disciplinary problems with the applicant?
4. Do you know how the applicant got along with other employees?
5. Do you know if the applicant is honest and truthful?
6. Do you have any record of salary garnishment or other financial problems of the applicant?
7. Did the applicant have any extended work absences? (Do not ask about sick leave until after a Conditional Offer of Probationary Employment.)

8. Did the applicant ever file a claim for worker's compensation? (Do not ask until after a Conditional Offer of Probationary Employment.)
9. Is the applicant eligible for rehire?
10. Can you think of any reason why the applicant might not be qualified to become a law enforcement officer?
11. Did the applicant abuse alcohol or drugs, or show signs of mental instability?*

*Note: If asked after a conditional job offer, this question is legal under the A.D.A. It may be legal anyway, because of the "business necessity" that a police officer be law-abiding and stable.

If past employers and supervisors cannot be interviewed personally by the investigator, contact should be made by telephone or letter. In some cases, employers may make available to the investigator the applicant's complete employment file. However, an employer has a right to refuse to provide the applicant's file, and such a refusal should not reflect negatively on the applicant.

Present and past Co-workers

Co-workers of the applicant may be a source of information. The key to determining the appropriateness of contacting a co-worker is the degree and recency of the co-worker's association with the applicant. The investigator must use careful judgment in evaluating the relationship, and avoid using information resulting from superficial knowledge.

When interviewing past co-workers of the applicant, the investigator may want to ask questions such as:

1. How did the applicant get along with co-workers?
2. Do you know if the applicant is dependable?
3. Can you think of any reason why the applicant may not be qualified to become a law enforcement officer?
4. Can you suggest any other persons who may have information about the applicant?
5. Are you aware of any current substance abuse by the applicant, or instability?*

*You cannot discriminate against a rehabilitated alcoholic or drug abuser, but current alcohol or drug abuse is reason enough to disqualify, and a past history might disqualify on grounds of moral fitness, but not for medical reasons.

A person who uses drugs or alcohol to excess, uses illegal drugs, or has a past history of illegal drug use which in the hiring authority's opinion would cast doubt on his/her fitness to be a police officer, is absolutely banned by PSTC rule Pol 301.20 (g) (14) from being hired as a police officer in New Hampshire.

No Previous Employment

It is appropriate to inquire into the reason for an applicant's having no previous employment, or gap in employment. Such an inquiry might lead to information concerning the applicant's willingness to confront problems, dependability, and desire for self-improvement. However, there are many legitimate reasons for no previous employment (e.g., schooling), and no conclusions about the applicant should be drawn from that mere fact alone.

The investigator must look into the circumstances of the applicant's having no previous employment. The applicant is given space to explain the lack of previous employment in the Personal History Statement.

Unemployment Insurance or Other State or Federal Assistance

Receipt of welfare assistance and unemployment compensation is legal, and generally no judgment about the applicant should be based upon the applicant's having received such assistance. However, if the investigator finds that the applicant has received assistance through fraudulent means, that would reflect upon the applicant's integrity.

Worker's Compensation

Inquiries into this area can only be made following a Conditional Offer of Probationary Employment. The investigator may obtain information about the applicant's physical ability by inquiring into claims the applicant has filed for worker's compensation. The mere fact of having filed a workers' compensation claim should not be grounds for disqualifying an applicant, however. The investigator should closely examine the facts and circumstances. If the investigator finds that such claims were made fraudulently, it would reflect upon the applicant's integrity. If a physical disability is revealed, it will be necessary to determine if the applicant can perform all essential job functions with reasonable accommodation.

Extended Work Absence

Extended or frequent work absences in previous jobs may reflect adversely on the applicant's dependability. The investigator should inquire into the circumstances of the absences, to determine if they were reasonable or justifiable.

Fired or Asked to Resign from Employment

Having been fired or asked to resign from employment may reflect on an applicant's integrity or dependability. Information from a previous employer who fired or asked the applicant to resign must be carefully evaluated, and should be balanced against the applicant's explanation for the occurrence.

Reason for Leaving Job (Other than Being Fired or Asked to Resign)

An applicant's interpersonal sensitivity or willingness to confront problems might be revealed by an inquiry into the applicant's reason for leaving a job. While such an inquiry is recommended, caution must be exercised because certain ethnic groups in our society may have had higher turnover rates because of limited employment opportunities.

Rejected for Another Law Enforcement Position

The investigator should inquire into the reasons for the rejection of the applicant from another position with duties and powers similar to that of a law enforcement officer. This type of information may be highly relevant to the applicant's qualifications as a law enforcement officer.

The information must be carefully verified and evaluated, however. While it is appropriate to look into the reasons for rejection of the applicant from other law enforcement officer positions, the investigator should generally avoid inquiring into:

1. every civil service examination the applicant has taken;
2. whether the applicant is currently on another eligibility list; or
3. the chances of the applicant's accepting an offer of employment at the agency for which the investigation is being conducted.

General Investigatory Precautions

While inquiries into the applicant's past experience and employment are legitimate as outlined above, certain precautions should be taken in the routine investigation:

1. If the person is an entry-level applicant, routine inquiries concerning the number of persons he/she has supervised in previous jobs should be avoided. These inquiries are irrelevant because an entry-level law enforcement position is non-supervisory;

2. No conclusions should be drawn from the current salary of the applicant. Salaries do not indicate anything about a person's qualifications to be a law enforcement officer, nor are they necessary for identification purposes;
3. Generally, no conclusions should be drawn from the applicant's ever having been an owner, partner, or corporate member of a legitimate business, as opposed to being employed by someone else. This information is irrelevant to job performance as a law enforcement officer.
4. Inquiries should not be routinely made about whether the applicant has been a member of a labor or employee organization. Membership in an employee organization is not related to job performance as a law enforcement officer.

MILITARY HISTORY

An inquiry into the applicant's military history can lead to information concerning several desired personal characteristics of a law enforcement officer - most notably, the applicant's abilities, reputation for truthfulness, and respect for the law. Inquiry into military history does not imply that military duties and patrol officer duties are related, but it is done for the purpose of fully evaluating the applicant's history and assessing relevant behavioral patterns. No conclusions should be drawn from the mere fact of the applicant having or not having a military history.

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. inquire into the applicant's military history;
2. contact past commanding officers or military acquaintances;
3. inquire into the type of discharge the applicant received from the military;
4. inquire whether the applicant has ever been the subject of any judicial or non-judicial disciplinary action while in the military, National Guard, or military reserves.

Information that the applicant supplies in Part D. in the Personal History Statement (i.e., branch of service, service number, dates of service, and type of discharge) will aid the investigator in obtaining military records.

DISCUSSION OF AREAS OF INQUIRY

Type of Discharge

Information on the type of discharge the applicant received from the military can be obtained through military records. (See Appendix 12.) The type of discharge may indicate something about the applicant's integrity and respect for the law, if the discharge is other than honorable. If it is found that the applicant received other than an honorable military discharge, the investigator should determine the facts surrounding that discharge. A person who has been dishonorably discharged is absolutely barred from serving as a police officer in New Hampshire, under PSTC rule Pol 301.20 (g) (6).

Military Discipline

Inquiry into judicial or non-judicial military disciplinary action may reflect upon the applicant's integrity, dependability or judgment under pressure. This information may be obtained in an explanation in the Personal History Statement, from military records, or through contact with military acquaintances or commanding officers.

Commanding Officers and Military Acquaintances

Past commanding officers and military acquaintances may have had the opportunity to observe the applicant in a variety of situations, and may be able to comment upon the applicant's performance in several areas relevant to his/her qualifications to be a law enforcement officer. The key to determining the appropriateness of contacting past commanding officers or military acquaintances is the degree and recency of contact with the applicant.

GENERAL INVESTIGATORY PRECAUTIONS

Military records and contacts with military references may reveal a variety of information about the applicant. As with any area of inquiry, information that is not related to the desired personal characteristics for a law enforcement officer should not be used to evaluate the applicant. Specifically, inquiries into the following would not be relevant:

1. The highest rank the applicant held in the military.
2. Whether or not the applicant has received military medals and decorations.
3. Whether or not the applicant has had combat duty.
4. Whether or not the applicant has served in the military of a foreign country.
5. Whether or not the applicant has served in the U. S. military on assignment in a foreign country.

PRACTICAL CONSIDERATIONS

Repositories of records of discharged military personnel may be contacted by mail with a "Request Pertaining to Military Records" form. (See Appendix 9.)

When interviewing commanding officers and military acquaintances, the investigator should ask questions such as:

1. When or how long ago did you know the applicant?
2. How well did you know the applicant?
3. Was the applicant ever the subject of any disciplinary action?
4. Do you know if the applicant got along well with others?
5. Do you know how the applicant confronted problems?
6. Can you think of any reason why the applicant might not be qualified to become a law enforcement officer?
7. Did the applicant abuse alcohol or drugs, or show signs of mental instability?*

*Medical conditions should only be asked after a Conditional Offer of Probationary Employment, unless you can relate them to character rather than medical conditions.

If commanding officers and military acquaintances cannot be interviewed personally, contact should be made by letter.

EDUCATION

Inquiries into the applicant's educational background can lead to information concerning the applicant's integrity, learning ability, communication skills, and desire for self-improvement. (See Part E. in the Personal History Statement.) The most productive sources of information about the applicant's education will be from the high school and post-secondary school levels. Generally, no inquiries (either through records or through interviews) should be made at the grammar school or junior high school (7th & 8th grade) levels since these experiences are too remote to be relevant. The exception might be an interview with someone (such as a former grammar school teacher) who has maintained continued contact with the applicant. Also, no inquiries should be made into the national, racial, or religious affiliation of the school attended.

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. validate whether the applicant possesses a high school diploma or holds a G.E.D. certificate from this or another state;
2. inquire into the applicant's educational background;
3. contact high school personnel to confirm information received from the applicant;
4. contact postsecondary school personnel to confirm information received from the applicant;
5. inquire into the applicant's expulsions and/or suspensions from any high school or postsecondary school;
6. inquire into the applicant's abuse of alcohol or drugs, or any apparent mental instability.*

*Such inquiries can be made only after a Conditional Offer of Probationary Employment, unless narrowly tailored to character related to business necessity, rather than medical issues.

DISCUSSION OF AREAS OF INQUIRY

High School

Since the NH Police Standards & Training Council has established the high school diploma or its equivalent as a minimum qualification for law enforcement officers, the investigator should first establish that the applicant possesses a high school diploma or has either a valid G.E.D. certificate issued by the State of New Hampshire, or an equivalent body of another state or territory. Once this has been established, the investigator can begin making contacts.

High school personnel (teachers, counselors, etc.) are appropriate people to contact, providing their interaction with the applicant has been sufficiently recent and substantial to provide useful information. For example, a high school teacher who had the applicant as a student 15 years ago with no intervening contact and has only passing recall of the applicant, would not be appropriate to contact. However, if the applicant is only a few years out of high school and has had extensive interaction with a counselor while in school, that counselor would be appropriate to contact.

Postsecondary Schools

Postsecondary schools include colleges and universities, graduate schools, and business and vocational training schools (i.e., any formal education beyond the high school level).

As with high school, it is appropriate to contact postsecondary school personnel to determine the applicant's qualifications, providing there has been substantial and recent interaction between those persons and the applicant.

PRACTICAL CONSIDERATIONS

High school graduation may be verified by a high school diploma or transcript. Applicants who have passed the G.E.D. test receive a High School Equivalency Certificate. Verification of scores can be obtained by contacting the testing center where the applicant took the examination.

When contacting high school and postsecondary school personnel, the investigator might ask questions such as:

1. Would you comment on the applicant's learning ability?
2. Did the applicant exhibit a desire for self-improvement?
3. Would you describe the applicant as having integrity?
4. Were there any disciplinary problems?

If a personal contact is not possible, a letter should be sent, accompanied by a copy of the "Authorization to Release Information" form. (See Forms section.)

LEGAL

The applicant's relationship with the law is an important area of inquiry for the background investigator. (See Part G. in the Personal History Statement.)

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. inquire whether the applicant has been convicted of a felony which has not been pardoned or annulled;
2. inquire whether the applicant has been convicted of other offenses which have not been pardoned or annulled;
3. inquire whether the applicant was ever adjudicated as having committed a juvenile crime.

DISCUSSION OF AREAS OF INQUIRY

Felony Conviction

PSTC rule Pol 301.02 (b) states, "no person who has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he/she has been pardoned or the conviction has been annulled, shall be appointed as a full-time or part-time police or corrections officer."

Misdemeanor Conviction

Certain misdemeanor convictions or a series of multiple misdemeanors may reflect upon the applicant's integrity or credibility as a witness in a court of law, or on his/her respect for the law.

Detention or Arrest

The fact that the applicant was ever detained or arrested as a suspect for investigation by a law enforcement agency should not generally be used to assess the applicant's qualifications. Mere detention or arrest indicates nothing relating to job qualifications as a law enforcement officer. The investigator may want to look into the circumstances of the detention or arrest. The applicant's behavior before or after the detention or arrest may be relevant to his/her integrity or respect for the law.

Juvenile Offenses

Adjudication of the applicant as having committed a juvenile crime may reflect on the applicant's integrity, dependability, respect for the law, or credibility as a witness in court. The relevance of the adjudication to the applicant's qualifications to be a law enforcement officer will depend on the remoteness in time of the adjudication and the applicant's behavior since the adjudication. It may be difficult to obtain information on juvenile convictions due to confidentiality laws.

Civil Court Action

Inquiring into the applicant's involvement as a plaintiff or defendant in a civil court action may lead to information concerning the applicant's integrity, dependability, or credibility as a witness in a court of law. In a routine background investigation, no inquiries should be made into anticipated civil court actions because these situations are too ambiguous.

PRACTICAL CONSIDERATIONS

Criminal records may be obtained by returns from the fingerprint cards submitted to the State Police Bureau of Identification, Hazen Drive, Concord, NH 03305. (See Appendix 8.) Inquiries should also be directed to the FBI, Identification Division, Washington, DC 20537.

In order to ensure a complete records check, the investigator should also check the applicant's record in police or sheriff's departments in cities and counties where the applicant worked or resided. In-person inquiries are preferred, to enable the investigator to pursue any relevant entries by reading or securing copies of reports or interviewing investigating officers involved in a particular case. If it is not practical to check personally, a letter of request, stating that the applicant is a candidate for employment, usually brings the desired results. (Self-addressed, stamped envelopes facilitate replies.)

MOTOR VEHICLE OPERATION

Operation of a motor vehicle is an integral part of a law enforcement officer's duties. The investigator should inquire carefully into this area.

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

It is recommended that the background investigator:

1. inquire into the applicant's driving record, including traffic law violations;
2. inquire into the reason for the refusal of any state to grant a driver's license to the applicant;

3. inquire whether the applicant is complying with any financial responsibility requirements regarding insurance on his/her private automobile.

In the Personal History Statement, the applicant is asked to supply the information necessary for the investigator to obtain the driving record (i.e., driver's license number and expiration date). In addition, details are asked about any traffic citations, motor vehicle accidents, and action taken on the applicant's driver's license. (See Part H. in the Personal History Statement.)

DISCUSSION OF AREAS OF INQUIRY

Driving Record

The applicant's driving record can reveal past behavior concerning driving a motor vehicle, observational skills, or dependability. Records should be obtained from every state where the applicant has held a driver's license. In addition, the investigator should determine whether the applicant was ever refused a driver's license by any state.

In the routine investigation, inquiries should not be made into parking citations, since these offenses are too minor to reflect on the applicant's qualifications. However, the investigator should look into any warrants or suspensions issued as a result of unpaid parking citations.

In evaluating the applicant's driving habits, the investigator should rely primarily on a review of driving records. The opinions of neighbors and other casual acquaintances of the applicant are usually too subjective. Inquiries into past employment which required the driving of a vehicle as a significant aspect of the job would be legitimate. In some instances, information about an applicant's driving behavior will be volunteered in the course of an interview. In those instances, it is important that:

1. the information be corroborated through other reliable sources;
2. specific examples of illegal occurrences be documented; and
3. positive identification of the applicant as the driver be made.

No Driver's License

Since driving a motor vehicle is usually required of a law enforcement officer, possession of a valid driver's license may be a condition of employment. However, an applicant who has never held a driver's license or who has only recently acquired one should not be viewed as less qualified than an applicant who has been a licensed driver for several years. People in some large metropolitan areas may never have had the need of a driver's license.

PRACTICAL CONSIDERATIONS

For information on driving records and the status of licenses in New Hampshire, requests should be mailed to:

Financial Responsibility Section
Department of Safety
Hazen Drive, Concord, NH 03305

Teletype and telephone requests will also be honored by the Department of Safety.

Out-of-state agencies providing the same service as the New Hampshire Department of Safety should be contacted for any records they may have on the applicant, if the applicant lived or worked outside New Hampshire.

RELATIVES, REFERENCES, ACQUAINTANCES

Anyone who knows the applicant is a potential source of relevant information about the applicant's qualifications, but different types of associations would lead to familiarity with different facets of the applicant's background. For example, a former teacher would be more likely to know about an applicant's learning ability than would a former landlord.

Suggestions for interviewing various associates of the applicant are made below in the section "DISCUSSION OF AREAS OF INQUIRY."

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

The background investigator should:

1. contact anyone who might have knowledge of the applicant;
2. interview persons with whom the applicant has resided;
3. inquire whether the applicant's family has had serious interpersonal problems.

In the Personal History Statement, the applicant will furnish the names, contact addresses and telephone numbers of relatives, individuals with whom the applicant has resided, references, and social acquaintances. (See Parts I. and J. in the Personal History Statement.)

(School references, landlords, employers, co-workers, commanding officers, and military acquaintances are also included under separate headings in the Personal History Statement.)

DISCUSSION OF AREAS OF INQUIRY

Relatives

Potentially, a relative could comment on any of the 15 desired personal characteristics. However, the investigator may find it most productive to center interviews with relatives around the applicant's willingness to confront problems, interest in people, interpersonal sensitivity, dependability, and integrity. The actual questions asked during the interview should be oriented toward essential job functions in order to ensure that the questioning is job-related. For example, a beginning inquiry might be, "Have you ever seen the applicant in a situation which required dependability?" From this introductory question, the investigator should conduct further questioning to ascertain how the applicant behaved, and then proceed to questions about other characteristics.

Offspring

Generally, the behavior of the applicant's offspring should not be used in evaluating the applicant's acceptability. The exception would be a situation in which the applicant knowingly supported or contributed to the delinquent behavior of the offspring. It is recommended that the background investigator not inquire whether the applicant's offspring were conceived out of wedlock, since it bears no relationship to the qualifications of the applicant. (Support of dependents is a separate issue, which is discussed in the FINANCIAL section.)

Persons With Whom the Applicant Has Resided

Anyone who knows the applicant by reason of having lived with him/her is a potential source of relevant information. These persons (excluding relatives who have already been mentioned), may include roommates, ex-spouses, guardians, boyfriends or girlfriends. Through their close association with the applicant, they may have information pertaining to any of the desired personal characteristics.

The key to determining the appropriateness of contacting these people is the degree and recency of their interaction with the applicant. "Degree" and "recency" of interaction are difficult to define, and it is necessary to evaluate the information gathered from these sources. As a general guideline, except for ex-spouses, the investigator should only contact persons with whom the applicant has resided since his/her 18th birthday, or within the last five years. If the applicant's relationship with the person was in the distant past, or if the nature of the relationship was passing and superficial, the investigator should evaluate the information with skepticism. No judgment about the applicant should be made based on the mere sex of the individual with whom the applicant has resided.

References and Acquaintances

In the Personal History Statement, the applicant is asked to list five individuals in both categories of references or acquaintances.

A reference is an individual, other than a relative or friend, who would have knowledge of the applicant's qualifications. An acquaintance is an individual, other than a relative or an employer, who would have knowledge of the applicant's qualifications, and whom the applicant has seen frequently during the past year in a social setting.

These references and acquaintances are potential sources of information that might be relevant to any of the desired personal characteristics. It is possible that references and acquaintances could also refer the investigator to other persons who have knowledge of the applicant. Names of religious leaders should not be requested as references.

PRACTICAL CONSIDERATIONS

When interviewing relatives, references, and acquaintances, the investigator might ask questions such as:

1. What is your relationship to the applicant?
2. How long have you known the applicant?
3. Are you aware of any substance abuse (e.g., alcohol, drugs) by the applicant?*
4. Are you aware of any mental instability?*
5. Would you say that the applicant has integrity?
6. Does the applicant have an interest in people?
7. Can you think of any reason why the applicant might not be qualified to become a law enforcement officer?
8. Can you suggest any other persons who might have significant information about the applicant?
9. Do you know how the applicant confronts problems?

*These questions should only be asked after a Conditional Offer of Probationary Employment, unless narrowly tailored to issues of business necessity, rather than medical reasons.

Whenever possible, relatives, references, and acquaintances should be personally interviewed. However, if the individuals to be contacted are not within a

geographical area that makes personal interviews feasible, contacts should be made by telephone or letter.

FINANCIAL

An applicant's behavior regarding the handling of finances is an important area of investigation. Inquiries can lead to information bearing upon an applicant's integrity, problem-solving ability, and dependability. Information concerning the applicant's financial status must be carefully evaluated. In the past, a person's financial opportunities (including availability of credit) may have been unfairly limited by race, sex, and income status. Therefore, it is important for the investigator to limit the financial investigation to the behavior of the applicant regarding finances. If the applicant has had financial difficulties, it is important to examine the circumstances, including the reason and responsibility for the difficulties. Whenever possible, verification of information regarding indebtedness should be made by personal contact.

SUMMARY OF RECOMMENDED AREAS OF INQUIRY

It is recommended that the background investigator:

1. inquire into the applicant's finances;
2. inquire into the applicant's indebtedness (i.e., liabilities versus assets and income);
3. inquire whether the applicant is supporting persons for whom he/she is legally responsible;
4. inquire into the applicant's behavior regarding financial obligations such as time payments;
5. inquire whether the applicant has ever had any purchased goods repossessed;
6. inquire whether the applicant has paid rent on time;
7. inquire whether the applicant's wages have ever been garnished;
8. inquire whether the applicant has ever filed for or declared bankruptcy;
9. inquire whether the applicant has ever been delinquent on income tax or other tax payments;
10. inquire whether the applicant's bills have been turned over to a collection agency.

In the Personal History Statement (See Part K. in the Personal History Statement.), the applicant is asked to supply a financial history. Also, the applicant is asked to

list all firms with which he/she has charge accounts, contracts, or financial liability for any reason.

DISCUSSION OF AREAS OF INQUIRY

Financial Statement

The financial statement in the Personal History Statement will supply the investigator with basic information. No conclusion should be drawn from the amount of indebtedness alone. Indebtedness must be evaluated in light of relevant facts. It is necessary to ask whether liabilities seriously outweigh future anticipated assets, the reason for the indebtedness, to what extent the applicant is responsible, and if there was an attempt to defraud. Also, the mere amount of assets or income the applicant may have reveals little if anything about the applicant's qualifications. Rather, emphasis should be placed upon the applicant's overall behavior regarding finances.

Time Payments

Behavior regarding financial obligations such as time payments may reveal important behavioral patterns relating to the applicant's integrity, dependability, and problem-solving ability. In the Personal History Statement, the applicant will supply the names, addresses, and account numbers of those persons or organizations to whom he/she is indebted. Generally, no inquiries or conclusions should be made concerning refused credit. Under our current credit system, there are many innocent reasons for which the applicant might have been refused credit (including always paying by cash). Also, no conclusions should be drawn from the mere number of charge accounts the applicant has.

Persons for Whom the Applicant Is Legally Responsible

It is recommended that the investigator inquire whether the applicant is supporting persons for whom he/she is legally responsible. Such an inquiry might reveal the applicant's integrity, dependability, or problem-solving ability. The mere number of people dependent upon the applicant for support is not a relevant basis for any conclusion about the applicant, however.

Bankruptcy, Repossession of Purchased Goods, and Wage Garnishment

The applicant's having filed for bankruptcy, having had purchased goods repossessed, or having had wages attached may reflect on his/her integrity, dependability, or problem-solving ability. Before drawing conclusions adverse to the applicant, the investigator should inquire into the reasons for these drastic financial measures, and whether the applicant was responsible for the events leading to these measures.

Delinquent Taxes

Information on delinquency on income tax or other tax payments should only be used to disqualify the applicant when there is an intent to defraud.

Rent Payments

Inquiry into whether rent has been paid on time may lead to information about the applicant's integrity or dependability. Landlords, names and addresses of whom are supplied by the applicant in the RESIDENCES section of the Personal History Statement, are the appropriate source of information about rent payments.

Banks or Savings and Loan Associations

Banks are often reluctant to give specific information without express (written) permission of the customer. However, a bank will usually verify whether the applicant has an account with it and will indicate whether the account has a high, low, or three figure balance. If necessary, the investigator may submit an "Authorization to Release Information" form signed by the applicant, and seek to have the exact information released. (See Forms section.)

Consumer Credit Reporting Agencies

Much of the financial information sought about an applicant may be obtained from consumer credit bureaus. When the applicant is rejected wholly or partly upon information so gained, he/she is entitled to be informed of the credit reporting agency from which the information was obtained.

Some law enforcement agencies find it worthwhile to subscribe to a credit bureau in order to obtain ready access to financial information. Other agencies prefer to pay on a limited use basis. In any case, information obtained from the credit bureau may include name, age, spouse's name, number of dependents, former addresses, occupation, employer, monthly income, paying habits, number of accounts maintained, balances on accounts, and case history of accounts.

MISCELLANEOUS TOPICS

Insurance

It is recommended that the investigator inquire whether the applicant has ever had insurance (health, etc.) refused or cancelled for reason other than failure to pay premiums. This information may reflect upon the applicant's integrity or physical ability.

Memberships in Clubs and Organizations

Illegal behavior in connection with membership in a club or organization is relevant to an applicant's qualifications and can be investigated. As stated earlier, the mere fact of any background item is rarely indicative of an individual's qualifications for the job. Consequently, conclusions from the applicant's mere membership or non-membership in any legal club or organization should be

avoided. Conclusions from the mere fact of holding office or not holding office in a club or organization should also be avoided.

In addition, be cautious about making inquiries into memberships in organizations which some feel may indicate a lack of interpersonal sensitivity.

Sexual, Political, and Religious Behavior

No routine inquiries should be made into the applicant's legal sexual, political, or religious behavior. Such behavior in itself is not job-related.

Substance Abuse

A rehabilitated substance abuser cannot be discriminated against for medical reasons, but illegal drug use may be a reflection on their law-abiding character. These questions are best addressed following a Conditional Offer of Probationary Employment. It is recommended that the background investigator inquire into substance abuse (alcohol, drugs, etc.). If an illegal act is discovered, the behavior should be evaluated, as with any other illegality, as discussed in the LEGAL section. If the substance abuse is medically-related, the investigator should not make the medical decision about the qualification or disqualification of the applicant. The investigator should communicate medically-related substance abuse information to the appropriate examining physician, if possible, well in advance of the medical examination. Substance abuse in general is usually associated with a personality disorder which should be diagnosed by a licensed health professional, but may also reflect on an applicant's law-abiding character, which is a business-related necessity for a police officer.

Mental Instability

Mental instability is a subjective area. It should only be addressed after a Conditional Offer of Probationary Employment, unless the information comes out without any direct inquiry from the investigation. As with any other medical problem, refer any information to the examining physician or to a mental health professional. According to PSTC rule Pol 301.20 (g) (1), if there is any indication of serious mental disorder as defined in rule 101.27, the applicant shall not be appointed unless the results of a psychological exam conducted by a licensed psychologist or psychiatrist indicates the applicant is suitable for appointment as a police officer.

ENTRANCE STANDARDS

To be employed as a police officer in New Hampshire, the applicant must:

1. be at least 18 years of age;
2. be a United States citizen;
3. have obtained a high-school diploma or New Hampshire General Educational Development (G.E.D.) certificate;
4. pass an NCIC and fingerprint check;
5. pass a character and background check;
6. never have had a felony conviction in any state or country or in the military service which has not been pardoned;
7. not have multiple misdemeanor or violation convictions so as to indicate a disregard for the law;
8. not have a misdemeanor conviction which has not been pardoned, and which is serious enough to cast doubt on his/her fitness to be a police officer, or which resulted in a serious bodily injury to another person;
9. not suffer from a serious mental disorder;
10. not have been dishonorably discharged from the military services;
11. not have been discharged under other than honorable conditions if the conditions would cast doubt on his/her fitness to be a police officer;
12. not knowingly make a material false statement in the application process;
13. not have been suspended or discharged by an employer for reasons which would cast doubt on his/her fitness to be a police officer;
14. not use illegal drugs or have a past history of illegal drug use which would cast doubt on his/her fitness to be a police officer;
15. not have a history of illegal drug use, or use legal drugs or alcohol to excess;
16. not have ever illegally manufactured, transported for sale, or sold a controlled substance;
17. within 36 months of application, not have illegally used a controlled substance other than marijuana, unless under the age of 21 at the time, in which case 24 months shall apply;
18. not have used marijuana within 12 months of application;
19. not have ever illegally used a controlled substance while employed in a law enforcement capacity;

20. not have been discharged or allowed to resign in lieu of discharge for reasons of moral character or moral turpitude for acts or omissions of conduct that would cause a reasonable person to doubt his/her honesty, integrity, etc.;
21. be of good general character and reputation in the community;
22. not have his/her police certification suspended or revoked in any jurisdictions.

In addition, if a full-time officer applicant, he/she must:

1. pass a physical examination by a licensed physician who attests he/she is able to engage in a rigorous program of physical training;
2. pass the Council's pre-entrance physical agility test, in order to be admitted to the NH Police Training Academy.

HUMAN RIGHTS ACT

SOURCE:

1995 NEW HAMPSHIRE REVISED STATUTES ANNOTATED

TITLE 31

Chapters 354-A - 354-A:21, Pages 153-173

PRE-EMPLOYMENT INQUIRIES

SUBJECT	LAWFUL	UNLAWFUL
NAME	<p>Applicant's full name</p> <p>Have you ever worked for this company under a different name?</p> <p>Is any additional information relative to a different name necessary to check work record? If yes, explain.</p>	<p>Original name of an applicant whose name has been changed by court order or otherwise.</p> <p>Applicant's maiden name, unless needed to check references on education and employment records.</p>
ADDRESS/DURATION OF RESIDENCE		Names/relationship of anyone living with applicant.
AGE	Are you 18 years old or older? (For police officers, d.o.b., to facilitate criminal check, otherwise not allowed.)	How old are you? (For purposes of retirement/pension plans, inquiries into person's age can be made after employment.)
RELIGION		Inquiry into an applicant's religious affiliations, church, parish, pastor, or religious holidays observed.
RACE		Inquiry into race, complexion, or color of skin or eyes.
MARITAL STATUS/ PREGNANCY	Inquiry as to length of time applicant expects to work or if he/she anticipates any absences from job. Such inquiries must be made to both male and female applicants.	Questions about marital status, pregnancy, future childbearing plans and number/age of children are frequently used to discriminate against women and may be considered a violation of the law if used to deny or limit employment opportunities for female applicants.
HEIGHT/WEIGHT		Inquiries as to height and weight unless employer can show that these standards are essential to the safe performance of the job in question.

SUBJECT	LAWFUL	UNLAWFUL
HANDICAP STATUS	<p>Can you perform the essential functions of the job?</p> <p>Is there are any position for which you should not be considered, or job duties you cannot perform?</p>	<p>Do you have a disability or handicap?</p> <p>Have you ever been treated for... (diseases?)</p> <p>Do you have any adaptive device or aid?</p> <p>Requirement that women be given pelvic examination.</p>
CITIZENSHIP	<p>Are you a citizen of the United States?</p> <p>If not a citizen of the United States, do you intend to become a citizen of the United States?</p> <p>Do you intend to remain permanently in the United States.</p>	<p>Inquiry into applicant's (a) lineage; (b) ancestry; (c) national origin; (d) descent; (e) parentage or birthplace.</p> <p>Nationality of applicant's parents or spouse.</p> <p>What is your mother tongue?</p> <p>Inquiry into how applicant acquired ability to read, write or speak a foreign language.</p>
PHOTOGRAPH		<p>Requirement or request that applicant affix a photo to an application form. Requirement for photo after interview but before hiring.</p>
EDUCATION	<p>Inquiry into academic, vocational or professional education of an applicant and the public/private schools attended.</p>	<p>Inquiry into nationality, racial or religious affiliation of the school's attended.</p>
REFERENCES		<p>Request for name of religious leader as reference.</p>
ORGANIZATIONS	<p>Inquiry into service, professional, union or trade organization.</p>	<p>Request for list of memberships which would reveal sex, race, religion, national origin, age, ancestry, handicap status of members.</p>

FEDERAL LAWS INVOLVING SELECTION AND EMPLOYMENT OF PERSONNEL

LAW	OBLIGATIONS	EMPLOYEES COVERED
United States Constitution, 14th Amendment 42 USC 1961, 1983	Discrimination prohibited because of right of all persons to equal protection under the law.	All state, county, municipal and district agencies, and any private employer acting "under color of state law."
Title VII of the Civil Rights Act of 1964, as amended S701 (a), (b) and (h)	Prohibits discrimination on grounds of race, color, religion, sex or national origin.	All employers with 15 or more employees, and all public employers.
Age Discrimination in Employment Act of 1967, as amended in 1978 29 USC 621 <u>et seq.</u>	Prohibits discrimination on grounds of age.	All employers
Age Discrimination in Employment Act of 1975 42 USC 6101	Prohibits any recipient of financial assistance from discriminating because of age.	Employers receiving federal financial assistance.
Title VI of Civil Rights Act of 1964, as amended 45 CFR 80.3 (c)	Prohibits discrimination on basis of race, color or national origin in a program, one of whose primary objectives is to provide employment.	Employers receiving federal financial assistance.
State and Local Fiscal Assistance Act of 1972, as amended 31 USC 1221 <u>et seq.</u>	Prohibits discrimination on basis of race, color or national origin, sex, age or known physical or mental handicaps.	State or local government entities which receive federal revenue sharing funds.
Rehabilitation Act of 1973, 41 CFR 60-741.3 29 USC 794	S503 requires affirmative action to employ and promote qualified persons with known physical or mental handicaps.	Any employer that is a party to a "contract" or "subcontract" with the federal government of a minimum amount.
Rehabilitation Act of 1973 45 CFR 84.2, 84.3 (f) 29 USC 7941	S504 prohibits discrimination and requires reasonable accommodation to known physical or mental handicaps of qualified employment applicants or employees.	Any employer that is a direct or indirect "recipient" of any form of federal financial assistance.
Vietnam Era Veterans' Readjustment Assistance Act of 1974 38 USC 2012 - 41 CFR 60-250	Requires affirmative action to employ and promote disabled veterans and veterans of the Vietnam era.	Any employer which qualifies as a federal "contractor" or "sub-contractor" with a contract of a minimum amount.

LAW	OBLIGATIONS	EMPLOYEES COVERED
Federal Executive Order 11141, 3 CFR 179	Prohibits discrimination on the basis of age.	Employers who contract with the federal government.
Federal Executive Order 11246, as amended 41 CFR 60-250	Requires affirmative action to employ and promote persons in categories protected by Title VII.	Any employer that is a party to a "contract" or "sub-contract" with the federal government of a specified amount.
Federal Executive Order 11914, 42 USC 4151 <u>et seq.</u>	Requires HEW to promulgate and enforce guidelines involving handicapped; discrimination allows for suspension or termination of funds.	Employer receiving federal financial assistance.
Crime Control Act of 1976, as amended 42 USC 3766	Prohibits discrimination on the basis of race, color, national origin, sex, age, or known physical and mental handicaps.	State or local governmental entities which receive LEAA funds, and minority service population of 3% or more.
Equal Pay Act of 1963 29 USC 206	Requires persons of both sexes receive equal pay for equal work.	All employers
Americans With Disabilities Act	Forbids discriminating against handicapped persons who can perform essential job functions with reasonable accommodation.	All employers
Civil Rights Act of 1991	Forbids having different cutoff scores due to sex, religion, or national origin.	All employers

*JOB DIMENSIONS FOR LAW ENFORCEMENT OFFICERS IN NEW HAMPSHIRE**

Patrol and Investigative Functions

1. Arrest and detain persons with and without warrants.
2. Administer and arrange for DWI chemical, drug and alcohol tests.
3. Use decision-making capabilities in answering calls for assistance.
4. Analyze available information to determine what enforcement action should be taken.
5. Evaluate crime scenes to determine investigative procedures to follow and assistance necessary.
6. Apply first aid as it relates to First Responder responsibilities.
7. Identify, from memory, wanted vehicles/persons.
8. Review information to maintain a current knowledge of known criminals and criminal activities.
9. Inspect vehicles, property and persons for possible violations and/or injuries and abandonment.
10. Perform preliminary on-scene investigations.
11. Perform preliminary search of suspects.
12. Search property for contraband, criminal activity or wanted subjects (with or without warrants).
13. Search, collect and examine evidence and personal property from crime and accident scenes.
14. Secure and protect accident and crime scenes.
15. Preserve evidence and personal property.
16. Patrol and conduct visual observation of buildings, property and persons.
17. Conduct surveillance of individuals or property (formal or informal).

18. Clock with speedometer or radar, or visually estimate travelling speed of vehicles.

Traffic and Motor Vehicle Functions

1. Direct traffic using hand/flashlight or other devices.
2. Patrol highways and streets.
3. Engage in pursuit driving.
4. Engage in rapid response to calls.
5. Drive under adverse weather conditions.
6. Transport prisoners, property and/or evidence and persons.
7. Transport mental persons.
8. Make vehicle stops for motor vehicle violations, or to effect felony arrests.
9. Stop suspected or suspicious persons.

Oral Communication Functions

1. Discuss cases and factors with prosecutors, case workers, judges, and supervisors to ensure proper pre-trial preparation.
2. Present suspects to victims or witnesses for purpose of identification.
3. Communicate with supervisor(s) during shift (e.g., to receive direction, seek advice, etc.).
4. Confer with physicians regarding medical condition of prisoners/suspects/mental patients/accident victims.
5. Counsel juveniles, both formally and informally.
6. Advise persons of their rights.
7. Explain nature of offense to traffic violators or offenders of law.
8. Advise victims of the criminal process.
9. Talk with families of juvenile/adult suspects or defendants (advise, inform, notify, counsel).

10. Give direction to assisting officers or persons to coordinate law enforcement activities.
11. Interview suspicious persons.
12. Interview complainants, witnesses, doctors, etc.
13. Interrogate suspects.
14. Mediate family and civil disputes.
15. Control non-violent crowds, groups of spectators, etc.
16. Confront hostile groups, e.g., bar patrons.
17. Provide directions to persons, i.e. street directions, potential hazards, other service agencies.
18. Assist motorists in distress.
19. Transmit messages over police radios. -
20. Receive incoming calls from public.
21. Testify in court and at administrative hearings.

Written Communication Functions

1. Receive and record evidence and personal property.
2. Prepare reports of arrests, investigations and information.
3. Serve subpoenas and citations.
4. Sketch accident and crime scenes.
5. Write in-depth narrative reports containing complete sentences and paragraphs (e.g., investigative, supplemental/follow-up reports).
6. Read departmental reports, memos, manuals, incoming correspondence, teletype messages, legal interpretations, training bulletins.
7. Write citations for traffic law violations.
8. Summarize in writing, statements of witnesses, complainants, etc.
9. Take notes and make entries in activity logs, duty reports, etc.

10. Record and communicate descriptions of persons (e.g., suspects, missing persons).

Physical Performance Functions

1. Pursue on foot, fleeing suspects.
2. Lift and carry heavy objects (e.g., disabled persons or equipment).
3. Exert strenuous effort to move objects by hand (e.g., disabled or abandoned vehicles).
4. Climb through openings and over obstacles.
5. Handcuff suspects or prisoners.
6. Subdue resisting/attacking persons using grips or holds.
7. Resort to use of hands or feet in self-defense.

*These tasks, within the specified functional areas, are deemed a necessary part of the curriculum at the NH Police Training Academy, and many of them also form the basis for the Part-Time Officers' School.

DESIRED PERSONAL CHARACTERISTICS

for

Law Enforcement Officers in New Hampshire

Communication Skills

A competent law enforcement officer:

1. speaks clearly and intelligently to individuals, small groups and large crowds;
2. speaks clearly over police radios;
3. makes concise and meaningful oral reports to supervisory police personnel;
4. communicates effectively with persons who are emotionally disturbed or seriously injured;
5. is articulate and understandable when testifying in court;
6. expresses him/herself in a narrative style which is clear and concise;
7. writes legibly;
8. uses acceptable grammar, punctuation and spelling.

Problem-Solving Ability

A competent law enforcement officer:

1. includes all relevant details which may aid in the reconstruction of an incident;
2. provides a complete account of what happened;
3. accurately assesses the potential consequences of alternative courses of action, and selects the one which is most acceptable;
4. is able to reach a decision quickly when faced with several alternative courses of action.

Learning Ability

A competent law enforcement officer:

1. is able to comprehend and retain factual information;
2. is able to recall factual information as it pertains to laws, statutes, and appellate court decisions.

Judgment Under Pressure

A competent law enforcement officer:

1. recognizes dangerous situations, and acts decisively to protect persons and property from harm;
2. demonstrates good "common sense" in handling field situations;
3. can decide quickly what to do in most situations.

Observational Skills

A competent law enforcement officer:

1. is alert to signals which indicate that something is wrong;
2. is suspicious and inquisitive when confronted with different situations;
3. displays good mental alertness and observational skills;
4. has a good memory for details.

Willingness to Confront Problems

A competent law enforcement officer:

1. maintains a high degree of self-control when involved in frustrating or otherwise stressful situations;
2. does not "go to pieces" in a crisis;
3. has the courage to confront potentially dangerous situations;
4. maintains composure and shows willingness to confront problems.

Interest in People

A competent law enforcement officer:

1. has a sincere desire to understand and work with people;
2. has an understanding of the need for fairness in dealing with the public, regardless of ethnic background, race or economic level;
3. has a public service orientation.

Interpersonal Sensitivity

A competent law enforcement officer:

1. understands the motives of people, and is usually able to anticipate how people will act in a given situation;
2. considers individual differences when dealing with people, rather than treating everyone alike;
3. interacts with people in a wide variety of circumstances without arousing antagonism;
4. is capable of being assertive in appropriate circumstances;
5. is effective in persuading and influencing others to behave in an alternative manner.

Desire for Self-Improvement

A competent law enforcement officer:

1. shows a desire to go out and seek the knowledge which is needed to be a competent law enforcement officer;
2. shows an interest in learning and a willingness to put in the time required to stay up-to-date with the work;
3. cares about his/her competency as a law enforcement officer.

Appearance

A competent law enforcement officer:

1. adopts a reasonable grooming standard consistent with the contemporary community and departmental standards and expectations;

2. takes pride in personal appearance and professional bearing;
3. works to stay in good physical condition;
4. maintains uniforms and equipment in top condition.

Dependability

A competent law enforcement officer:

1. reports for duty on time;
2. does not malingering on calls;
3. reacts quickly to problems observed on the street, or to dispatches received over the radio;
4. submits reports on time;
5. takes the extra effort required to be accurate in all details of the work;
6. is willing to work the hours needed to complete the job.

Physical Ability

A competent law enforcement officer:

1. has good physical strength, agility, coordination and endurance;
2. has good hearing, visual acuity, depth perception and color vision.

Integrity

A competent law enforcement officer:

1. behaves, on- and off-duty, in a manner which comports with contemporary community standards;
2. does not engage in behavior which would diminish community respect for, or trust in, the law enforcement agency;
3. refrains from using his/her badge, uniform, or authority for personal gain.

Operation of a Motor Vehicle

A competent law enforcement officer:

1. has the ability to possess a valid New Hampshire driver's license;
2. has the ability to control a motor vehicle at above legal speeds;
3. has the ability to operate a motor vehicle in all types of weather conditions.

Credibility as a Witness in a Court of Law

A competent law enforcement officer:

1. maintains a record of personal conduct which, if exposed in court, would not detract from the credibility of her/his testimony;
2. presents evidence fully and completely without distortions.

SAMPLE COVER LETTER

NOTE: The following is a sample cover letter, which should be typed on your agency letterhead. It is suggested for use with questionnaires sent to employers, personal references, educational institutions, landlords, and physicians. (See Forms section.)

TO WHOM IT MAY CONCERN:

The individual whose name appears on the attached questionnaire is being considered for employment by the _____
Department.

Name of jurisdiction

The applicant has informed us that you may have information which might be of assistance to us in reaching a decision as to whether or not this individual should be employed with this agency.

I am sure you will recognize the need to guarantee that persons appointed as police officers are fully qualified to undertake the important responsibilities of that position. You may be of substantial assistance to us in this regard.

Please note that the applicant has authorized the release of the information requested. A copy of that authorization is attached.

We are quite anxious to expedite the processing of this applicant and would very much appreciate your prompt completion and return of the enclosed questionnaire in the self-addressed, stamped envelope provided herein.

You have my assurance that any and all information that you provide concerning this applicant will be held in strict confidence.

If you have pertinent information concerning this applicant, but would rather not put it in writing, please contact _____ at _____.

Investigator's name

Telephone number

Your assistance is greatly appreciated.

Very truly yours,

Signature of Police Chief

Enclosures: Authorization to Release Information
Questionnaire
Self-addressed, stamped envelope

SAMPLE FINGERPRINT CARD

SAMPLE MILITARY RECORD REQUEST FORM

SAMPLE NARRATIVE REPORT FOR A BACKGROUND INVESTIGATION

To: Chief/Sheriff

From: Background Investigator

Subject: Background Investigation: Charles T. Candidate

PERSONAL

The applicant Charles T. Candidate resides at 201 State Street, Concord, NH 03301. He can be contacted through his home phone, 225-1234, or work telephone, 228-4321. Mr. Candidate was born on July 10, 1952. His social security number is 002-26-8154. Mr. Candidate is 5'11" tall, weighs 160 pounds, has brown hair and blue eyes. He has no scars, tattoos or other distinguishing marks.

All of the above facts have been confirmed, and verifying documents are attached.

RELATIVES, REFERENCES AND ACQUAINTANCES

Relatives

All of the listed relatives with the exception of Mr. Candidate's older brother were contacted with no negative information. All stated that they felt Mr. Candidate would make a good peace officer in that he is willing to confront problems, is dependable, and has demonstrated that he is interested in people and has a high degree of interpersonal sensitivity. They also related that there was no question of Mr. Candidate's integrity.

Since Mr. Candidate's older brother, James Candidate, lives on the West Coast, he was not contacted.

Prior Spouse

Contact was made with Mr. Candidate's prior spouse, Lois Little. Mrs. Little related that the reason for the marriage dissolution was because of irreconcilable differences. She went on to state that, in her opinion, Mr. Candidate was immature, and that this has been demonstrated by the way he has "always squandered money." As an example, Mrs. Little stated that Mr. Candidate had difficulty with paying bills on time and would waste what little money they had on fixing his motorcycle. This was the only derogatory information that Mrs. Little provided.

It should be noted that subsequent investigation revealed that Mr. Candidate was married for only six months and the marriage occurred when he was eighteen years of age.

Mr. Candidate's marriage dissolution prior to his current marriage has been verified and copies of the necessary documents are attached.

Offspring

Mr. Candidate has no children.

Persons with Whom the Applicant has Resided

Contact was made with Bill Smith, Mr. Candidate's roommate during college. Mr. Smith related that he was good friends with Mr. Candidate and that they still see each other occasionally. Mr. Smith stated that he is aware of Mr. Candidate's difficulties with finances, but stated that he never experienced any personal inconveniences because of

Mr. Candidate. He stated that, to his knowledge, Mr. Candidate did pay his necessary bills and was always prompt to pay his half of the rent. Mr. Smith stated that, in his opinion, Mr. Candidate would make a good officer and that he is very interested in people and is willing to confront problems. An example of his willingness to confront problems is the fact that Mr. Candidate realized after a short period of time that his marriage was not beneficial to either himself or his prior spouse, and they amicably sought a dissolution.

References and Acquaintances

All the listed individuals were contacted. None had any negative information to convey.

Mr. Candidate's listed acquaintance, Tom Kaine, provided an additional name of Sara Smothers, 21 Avery Street, Laconia, NH 03246. Contact telephone 524-5614.

Ms. Smothers dated Mr. Candidate for a short period of time after Mr. Candidate's divorce. Ms. Smothers related that her relationship with Mr. Candidate was casual, but that he never exhibited any lack of dependability, had good interpersonal sensitivity, and she had no reason to believe that he could not handle his finances.

EDUCATION

High School

Mr. Candidate graduated from Concord High School in June, 1970, and this was confirmed by a copy of his high school diploma, which is attached.

Contact was made with Mr. Candidate's counselor, Mr. Fish, who stated that Mr. Candidate had always exhibited good learning ability. Although he never made the honor roll, Mr. Fish believed that he could have, if he had asserted himself.

Mr. Candidate has never been suspended or expelled from school.

Post-Secondary School

Mr. Candidate attended the University of New Hampshire at Durham for three years from 1971 through 1974. Mr. Candidate's listed advisor was contacted and he stated that he only knew Mr. Candidate briefly, and only discussed Mr. Candidate's educational future with him when he first came to the college in 1971. Mr. Larson, Mr. Candidate's advisor, stated that he knew of no reason why Mr. Candidate would not make a good law enforcement officer.

RESIDENCES

Neighbors and Landlords

Mr. Candidate lived with his parents until he was first married. Mr. Candidate and his first wife lived in a large apartment complex at 322 Ocean Street, Rye, NH. A neighborhood check proved negative in locating anyone who remembered Mr. Candidate. Records were not maintained and thus no information was available on his reliability in paying the rent.

After his divorce, Mr. Candidate lived with a roommate, Mr. Smith, in an apartment complex at 2100 Howe Avenue, Portsmouth, NH. A neighborhood check proved negative in locating anyone who recalled Mr. Candidate or his roommate, Mr. Smith. A check with the manager revealed that they did maintain records back to 1971 and that the record revealed that Mr. Candidate and Mr. Smith paid their rent on time every month.

Neighbors where Mr. Candidate and his present wife now reside were contacted. Mr. and Mrs. Jones, who live on the west side of Mr. Candidate, stated that they thought Mr. Candidate and his wife "were a very nice couple." Mr. Jones stated that he thought Mr. Candidate would make a good peace officer and he had nothing derogatory to say about Mr. Candidate. All other neighbors confirmed this assessment.

EXPERIENCE AND EMPLOYMENT

Present and Past Employers and Supervisors

During a check of Mr. Candidate's employment record, Mr. Knudsen, owner of Knudsen's Chevron Station, was contacted. Mr. Candidate was employed as a service station attendant at Knudsen's Service Station from 1968 through 1971,

when he resigned to accept employment with Best Auto Parts while attending college. Mr. Knudsen stated that Mr. Candidate was one of the best employees he had ever had. Mr. Knudsen also stated that Mr. Candidate was dependable, punctual, got along well with fellow employees and was never any trouble. Mr. Knudsen did relate that on one occasion he had to return to the station late in the evening and found Mr. Candidate asleep; however, this was a single incident and was due to the fact that Mr. Candidate had stayed up all night the previous evening studying.

Mr. Candidate's present employer, Mr. Edward Best, related that Mr. Candidate is an excellent employee and he had no negative information to provide.

Present and Past Co-workers:

Mr. Candidate's past co-workers were available for interview. Mr. Dean Whittier related that Mr. Candidate was a good person to work with and that he had known Mr. Candidate for approximately two and a half years. Mr. Whittier had no negative information and said that he found Mr. Candidate to be very dependable, interested in people, and honest.

Mr. Candidate has never filed any claims for unemployment or workers' compensation. All time was accounted for in his background and he has no extended work absences.

Mr. Candidate has never been fired or asked to resign from employment. He has never been rejected for any other peace officer position.

MILITARY

Mr. Candidate has never served in the military.

FINANCIAL

In reviewing Mr. Candidate's financial statement, it was found that Mr. Candidate handles his finances well and apparently has not overextended himself. A check with the Concord Credit Bureau showed that Mr. Candidate had satisfactory credit and no delinquent payments.

Apparently, whatever difficulties Mr. Candidate had in the past due to financial reasons have been corrected.

Mr. Candidate has never filed bankruptcy, had any bills sent to a collection agency, had any purchased goods repossessed, had his wages attached, or been delinquent in paying taxes or rent payments.

LEGAL

A check with the Concord Police Department, Rye Police Department, Portland Police Department, and State Police Bureau of Identification, revealed that Mr. Candidate has never been arrested or convicted of any crime. The only entry in the Concord Police Department's alpha file is when Mr. Candidate was six years old and fell down in front of his residence and was thought to be the victim of an auto accident. Copies of the returns are attached.

MOTOR VEHICLE OPERATION

Driving Record

Mr. Candidate's driving record revealed that he received two speeding citations in 1981 and has not received a citation since. Mr. Candidate was involved in one non-injury collision in 1984 and has had no subsequent collisions.

A copy of Mr. Candidate's valid driver's license is attached and a check shows that he is not required to file financial responsibility insurance.

GENERAL TOPICS

Insurance

Mr. Candidate has never had insurance refused or cancelled.

Other

Checks revealed that Mr. candidate has never belonged to any illegal organization and has no record of any substance abuse.

INVESTIGATOR'S EVALUATION

After completing the background investigation on Mr. Candidate, it is found that, with the exception of a problem with his dependability and financial obligation for a short period of time when he was first married in 1970, no derogatory information was discovered.

It is apparent from Mr. Candidate's background that he is dependable and interested in people. There is nothing in his background that would reflect unfavorably on his credibility as a witness in a court of law, and there is no reason to question his integrity.

Signed,

Background Investigator

*EVALUATION SUMMARY***APPLICANT BACKGROUND INVESTIGATION**

Applicant's Name _____

INSTRUCTIONS

This form is to be completed by the individual charged with evaluating the information developed in the background investigation. For each dimension, the evaluators should summarize those investigative findings which he/she considers to be favorable and those which he/she considers to be unfavorable. Also, for each dimension, he/she should state explicitly whether or not, in his/her opinion, the unfavorable information outweighs the favorable information to such an extent that the applicant should be denied employment.

1. Communication Skills

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, educational history, criminal record, marital and family relations, patience, disposition, attitudes, and membership in groups, associations and clubs.

2. Problem-Solving Ability

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, unemployment record, marital record, military record, traffic record, financial history, current use of narcotics and controlled substances, current use of alcohol, friends, associates and relatives, and membership in groups, associations and clubs.

3. **Learning Ability**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history and educational history.

4. **Judgment under Pressure**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, unemployment record, marital record, criminal record, traffic record, financial history, current use of narcotics and controlled substances, current use of alcohol, friends, associates and relatives, and past problems with the law.

5. **Willingness to Confront Problems**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, unemployment record, marital record, criminal record, traffic record, financial history, current use of narcotics and controlled substances, current use of alcohol, friends, associates and relatives, membership in groups, associations and clubs, and past and current problems with the law.

6. **Interest in People**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, military record, marital history and family relations, educational history and membership in groups, associations and clubs.

7. **Personal Sensitivity**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, educational history, criminal record, marital history and family relations, temperament and attitudes, and membership in groups, associations and clubs.

8. **Dependability**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider work history, unemployment record, educational history, marital history, and family relations, financial history, attitudes and behavior, and membership in groups, associations and clubs.

9. **Ability to Perform Essential Job Functions**

What evidence, if any, suggests that the applicant may have a problem performing any of the essential job functions of a police officer?

10. **Integrity**

What evidence, if any, suggests that the applicant does or does not possess this characteristic? In making this determination, consider work history, military record,

educational history, criminal record, traffic record, marital history and family relations, financial history, convictions for drunken driving or illegal possession or sale of controlled substances, friends, associates and relatives, membership in groups, associations and clubs, and general reputation.

11. **Operation of a Motor Vehicle**

What evidence, if any, suggests that the applicant does or does not possess this capability? In making this determination, consider traffic records and other relevant data.

Do you recommend this applicant for employment? Yes [☐] No [☐]

Signature _____ Title _____

Name _____ Date _____

(Please print)

MILITARY SEPARATION DOCUMENTS

Below are the various standard types of discharge and separations which, when issued, are followed by varying letters indicative of the branch of service:

DD Form 214 (white)	Armed Forces of the United States Report of Transfer of Discharge (Officer and EM)
DD Form 217 (white)	Certificates of Service (Officer and EM)
DD Form 256 (white)	Honorable Discharge (Officer and EM)
DD Form 257 (white)	General Discharge (Officer and EM)
DD Form 258 (white)	Undesirable Discharge (EM only)
DD Form 259 (yellow)	Bad Conduct Discharge (EM only)
DD Form 260 (yellow)	Dishonorable Discharge (WO and EM)
DD Form 363 (white)	Certificate of Retirement (Officer and EM)
DD Form 794 (white)	Discharge Under Other Than Honorable Conditions (Officer only)

At the time of discharge or release from active duty, all enlisted separatees receive two forms, one of which is DD Form 214, "Armed Forces of the United States Report of Transfer of Discharge."

It is intended to provide separated personnel with a concise record of data pertaining to their active service qualifications, and to establish their entitlement to federal and state veterans' benefits. Those who are completely discharged receive, in addition, one of the above separation certificates.

Veterans who are released from active duty and have a Reserve obligation, whose Reserve or Guard enlistments have not expired, or have been placed on the temporary disability retired list, receive a DD Form 217, "Certificate of Service." It contains the person's full name, military identification, period of active duty, and character of service.

TELEPHONE CHECK

Applicant's Name _____

SUGGESTED WORDING FOR TELEPHONE CONVERSATION:

Hello, this is _____, _____,
Name Title

of _____ . I'm calling to verify the previous employment of
Agency _____ , who has authorized me to
(Name of applicant)

discuss this with you.

1. Was the applicant employed by your organization? Yes [] No []
2. What were the dates? From _____ To _____
3. What was the nature of the work? _____
4. Stated fee earned was \$ _____. Is this correct? Yes [] No []
5. Was he/she promoted while employed with you? Yes [] No []
6. Did he/she follow instructions satisfactorily? Yes [] No []
7. Did the applicant lose any significant time due to poor health? Yes [] No []
8. How did the applicant get along with people? _____

9. What were the reasons for leaving? _____

10. Would you rehire? Yes [] No []
11. Note any aspects of the applicant's character, reliability or honesty that adversely affected job performance?

*Only to be asked following Conditional Offer of Probationary Employment.

***SAMPLE LETTER TO POLICE/SHERIFFS' DEPARTMENTS
REQUESTING FILE CHECKS***

NOTE: The following is a sample letter, which should be typed on your agency letterhead.

To:

Name of Department

No. Street Town State Zip +4

REFERENCE:

Name _____ Social Security # _____
(Name of applicant)

Date of Birth _____ Height _____ Weight _____ Fingerprint Class _____

Dear Sir:

The above-named person is an applicant for a law enforcement officer position in this department, and at one time resided or was employed in your jurisdiction.

It will be greatly appreciated if you will check your files and let us know whether or not this individual has ever come to your attention. A brief synopsis of any derogatory information will assist us in evaluating his/her suitability for employment.

Thank you for your assistance. If we can reciprocate at any time, please contact us.

Very truly yours,

Name
Title

CONDITIONAL OFFER OF PROBATIONARY EMPLOYMENT

I. PURPOSE

The purpose of this agreement is to extend to the applicant a Conditional Offer of Probationary Employment. The applicant must meet the listed terms and conditions before being hired by this Department. A final offer of employment will be extended to you only after you have satisfied all the requirements established by this Department. All entering applicants for the listed position of _____ are required to successfully comply with these same conditions.

II. PARTIES

This is an agreement between _____ and
(Department)
 _____ Social Security # _____ - _____ - _____
(Name)

III. TERMS AND CONDITIONS

An applicant must meet the following terms and conditions:

- A. Minimum employment standards for full-time police officer as established by the NH Police Standards & Training Council;
- B. Minimum required training as mandated by the NH Police Standards & Training Council at the New Hampshire Police Training Academy;
- C. Sufficient physical condition, as determined by a medical history and examination, necessary to perform the essential functions of the above position, and complete the police academy training;
- D. Any additional requirements specified by this Department, which may include:

☐ Field training

☐ Psychological test(s)

☐ Physical agility test

☐ Polygraph examination

☐ Other (specify) _____

IV. LENGTH OF AGREEMENT

This Conditional Offer of Probationary Employment shall remain valid and in effect for one year from the date of this agreement; however, this offer shall be immediately withdrawn upon the applicant's failure to meet any one of the above terms and conditions. The applicant will receive a final offer of employment, subject to a probationary period, after all the conditions have been satisfied. The effective date of this agreement is _____.

(Date)

ACKNOWLEDGEMENT

Successful compliance with these job related and necessary conditions of employment is required to carry out the essential functions for the above position. I have read and understand the terms of this *CONDITIONAL OFFER OF PROBATIONARY EMPLOYMENT* and agree to abide by these terms.

(Agency Representative)

(Applicant)

(Date)

(Date)

MYTHICAL POLICE DEPARTMENT JOB DESCRIPTION

PATROL OFFICER

Job Title: Patrol Officer

Classification No. P-1

Date Established: 10/1/91

Date of Last Revision: same

Labor Grade:

Standard Workweek: hours

MINIMUM QUALIFICATIONS: U. S. citizen, high school diploma or G.E.D. certificate, minimum age 18, must pass written and oral examinations, extensive background investigation and criminal history check, medical examination, physical fitness test, drug test, polygraph examination, and be certified or certifiable by the NH Police Standards & Training Council.

CHARACTERISTIC DUTIES AND RESPONSIBILITIES: Performs generalized law enforcement duties, usually in uniform. Includes patrolling an assigned area or sector on foot or in a radio car, answering calls for service, investigating traffic accidents and criminal offenses, issuing citations and warnings, serving subpoenas, making physical custody arrests with and without a warrant, transporting prisoners, testifying in court and before administrative bodies, making application for search warrants and arrest warrants, taking juveniles, intoxicated or mentally ill persons into protective custody, writing investigative reports, conducting crime prevention surveys, rendering emergency first aid to ill or injured persons, making inquiries of computerized data bases, speaking to organizations and groups, answering the telephone and dispatching radio calls, taking fingerprints of arrested persons, searching for latent fingerprints and searching for and collecting physical evidence at crime and accident scenes, performing various rescue and lifesaving tasks, participating in raids and high-risk warrant services, controlling violent or resisting subjects, apprehending fleeing suspects on foot or in motor vehicles, and participating in strenuous and physically demanding basic and in-service training programs. Does other related duties as required.

SKILLS AND ABILITIES: In order to perform the above duties, the patrol officer must possess the following skills and abilities:

1. Be mentally and physically able to read, remember, interpret and understand statutes and court decisions.
2. Be mentally and physically able to take comprehensive written notes, organize and write criminal, traffic accident and arrest reports.
3. Be able after training to operate radio receiver/transmitters and mobile data terminals.

4. Be able to identify missing or wanted persons and wanted or stolen motor vehicles from photographs and/or composite sketches, and be able to accurately describe persons and vehicles, and recall details of such descriptions.
5. Be able to establish friendly relationships with co-workers, supervisors, and the public.
6. Be able, after training, to drive a standard police motor vehicle safely under normal and emergency operating conditions, in all kinds of road, weather, and lighting conditions.
7. Be physically capable to swim well enough to remain afloat in water and to rescue a drowning person.
8. Be able, after training, to accurately and safely fire a pistol, revolver, rifle, and shotgun.
9. Be physically capable, after training, of effectively using handcuffs, chemical agents and various hand impact weapons.
10. Be physically capable after training of administering emergency first aid and cardiopulmonary resuscitation.
11. Have sufficient muscular strength and agility and be physically capable of defending oneself from physical attack, learning and applying control holds and pressure point tactics, and applying handcuffs to passive and resisting subjects.
12. Be able to engage in foot pursuits, including pursuits of suspects up and down halls and over even and uneven ground on various surfaces, for distances up to and beyond 500 yards.
13. Be able to run up and down stairs, push stalled motor vehicles by hand, lift and carry injured persons or passively resisting demonstrators, walk on and jump down from elevated surfaces, climb fire escapes and fences, and crawl in confined areas.
14. Possess sufficiently corrected vision to read motor vehicle number plates and the year and month indicated on motor vehicle inspection stickers, and number plate validation stickers on approaching vehicles from reasonable distances; recognize the colors of traffic signals; and safely drive a motor vehicle at night and under conditions of glare and reduced visibility; and sufficient uncorrected vision to safely maintain control of a motor vehicle and fire a handgun if one's corrective lenses become lost or dislodged.
15. Have adequate hearing to efficiently operate radio equipment, hear and understand normal conversation, comprehend shouted instructions in a crowd during emergency and riot conditions, operate a telephone, and follow testimony and questioning in court.
16. Present a trim and military appearance in uniform, be free of any disfigurement or skin conditions that would inhibit one's ability to effectively communicate with the public

and command respect and obedience in emergency situations, and be capable of learning to march in column or formation in parades and crowd control operations.

17. Be free of any mental illness, psychopathology or abnormal mental condition that could result in poor impulse control, dishonesty, inability to deal with job stress, excessive use of force or violence, immature or criminal behavior, and substance abuse.
18. Possess sufficient aerobic capacity, joint flexibility, muscular strength, and general physical conditioning to perform physically demanding tasks with a minimum of difficulty and minimize the possibility of job-related injuries, illness, and work-related disability.
19. Have no serious criminal or motor vehicle violation record that would indicate a disrespect for the law, inadequate ethical standards, a tendency toward violence, dishonesty or criminal behavior, an inability or unwillingness to follow rules and regulations, an inability to safely operate a motor vehicle, or an inability to command public respect.
20. Have a good reputation, according to contemporary standards of the community, among family, friends and acquaintances, co-workers, neighbors, business associates, and others as to honesty, fairness, patience, tolerance, financial responsibility, and respect for the rights and property of others that would be characteristic of a respectable public servant.
21. Be free of any chronic illness or ailment that would cause excessive use of sick leave, early retirement, or make one prone to illness or injury.
22. Be able to stand for lengthy periods of time on fixed posts, sit in a motor vehicle or at a desk for more than one-half a shift.
23. Be able to operate the controls on a police cruiser and also to aim a handgun over the roof of a cruiser.
24. Once experienced, be able to train other employees to do the job, and evaluate their progress in learning the job.
25. Be temperamentally, emotionally, and intellectually suited to operating under highly-structured conditions, including taking detailed orders from superiors and following specific procedures, to operating in fast-breaking, unstructured situations with little or no supervision, and making decisions involving a great deal of discretion and common sense.

MYTHICAL POLICE DEPARTMENT JOB DESCRIPTION

POLICE COMMUNICATIONS DISPATCHER

Job Title: Police Communications Dispatcher **Classification No.** D-1

Date Established: 10/1/91

Date of Last Revision: same

Labor Grade:

Standard Workweek: hours

MINIMUM QUALIFICATIONS: Minimum age 18, must pass written and simulated performance examination, background investigation and criminal history check, medical examination, and drug test.

CHARACTERISTIC DUTIES AND RESPONSIBILITIES: Receives routine and emergency telephone calls for information and police services on multiple incoming telephone lines, operates police radio transmitter and receiver, maintains written or typed log of telephone calls and radio broadcasts, fills out cards with information on complaints and calls for service, operates data terminals including State Police, SPOTS terminal, formatting and receiving requests for information on stolen cars, wanted and missing persons, stolen property, driver license and registration, motor vehicle and criminal record checks. Monitors multiple radio frequencies and communicates with other police officers and police stations. Maintains filing systems and compiles data for uniform crime reports. Operates typewriters and computerized word-processing equipment. Answers routine correspondence and types reports written in longhand by officers or dictated on tape. Operates call-back recording equipment. Classifies incoming calls as to urgency and determines which units to assign and when to involve a supervisor. Determines when calls should be referred to another division, bureau or outside agency and determines where and how to make such referrals. Maintains a constant state of alertness as to the current status of all active radio units and initiates additional response when a unit appears to be overdue or in potential danger. Notifies ambulances, fire department, the Chief of Police, Watch Commander, County Attorney, Attorney General, Medical Examiner and other authorities in accordance with established procedures in the event of unusual occurrences such as fatal traffic accidents, hazardous materials incidents, homicides, civil disturbances, natural disasters and other such events. May be called upon to give emergency first-aid instructions or directions to various locations within the jurisdiction over the telephone.

SKILLS AND ABILITIES: In order to perform the above tasks, the Dispatcher must possess the following skills and abilities:

1. Be mentally and physically able to read, remember, interpret and understand written standard operating procedures.

2. Be able to take rapid and accurate notes, organize and write or type log entries and fill out report forms.
3. Be able to operate typewriters, computerized word processing equipment, computer printers and mobile data terminals.
4. Be able to operate multi-line telephones, multi-frequency radio transmitters and receivers and dictating and transcribing equipment, and, once experienced, to train new employees to do the job.
5. Be able to remember, assign, understand and use radio code signals, and classify incoming telephone and radio calls as to code signals.
6. Be able to understand English and to speak English clearly.
7. Be able to recall names, street addresses, vehicle license numbers and radio code signals.
8. Be able to establish pleasant, friendly relationships with co-workers, supervisors, and the public.
9. Be capable after training of giving directions over the telephone on administering emergency first aid and cardiopulmonary resuscitation.
10. Possess sufficiently corrected vision to read procedural manuals, computer screens and written and typed messages.
11. Have adequate learning to efficiently operate radio equipment, hear and understand messages and normal conversation, and comprehend shouted instructions in person or over the radio or telephone.
12. Present a neat and clean business-like appearance.
13. Be free of any mental illness, psychopathology or abnormal mental condition that could result in poor impulse control, dishonesty, inability to deal with job stress, immature or criminal behavior or substance abuse.
14. Be of sufficient good health and sufficiently free from serious or chronic illness to be able to sit for long periods of time and perform mentally fatiguing and stressful tasks with a minimum of difficulty and minimize the possibility of job-related injuries, illness and work-related disability.
15. Have no serious criminal or motor vehicle violation record that would indicate a disrespect for the law, dishonesty or criminal behavior, an inability or unwillingness to follow rules and regulations, or inability to command respect of co-workers, and have a good reputation according to contemporary standards of the community.

INEXPERIENCED LAW ENFORCEMENT OFFICER

ESSENTIAL JOB FUNCTIONS

1. Effect an arrest, forcibly if necessary, using handcuffs and other restraints; subdue resisting suspects using maneuvers and weapons and resort to the use of hands and feet and other approved weapons in self-defense.
2. Prepare investigative and other reports, including sketches, using appropriate grammar, symbols and mathematical computations.
3. Exercise independent judgment in determining when there is reasonable suspicion to detain; when probable cause exists to search and arrest; and when force may be used and to what degree.
4. Operate a law enforcement vehicle during both the day and night; in emergency situations involving speeds in excess of posted limits, in congested traffic and in unsafe road conditions caused by factors such as fog, smoke, rain, ice and snow.
5. Communicate effectively and coherently over law enforcement radio channels while initiating and responding to radio communications.
6. Gather information in criminal investigations by interviewing and obtaining the statements of victims, witnesses, suspects and confidential informers.
7. Pursue fleeing suspects and perform rescue operations which may involve quickly entering and exiting law enforcement patrol vehicles; lifting, carrying and dragging heavy objects; climbing over and pulling up oneself over obstacles; jumping down from elevated surfaces; climbing through openings; jumping over obstacles, ditches and streams; crawling in confined areas; balancing on uneven or narrow surfaces and using body force to gain entrance through barriers.
8. Load, unload, aim and fire from a variety of body positions, handguns, shotguns and other agency firearms under conditions of stress that justify the use of deadly force and at levels of proficiency prescribed in certification standards.
9. Perform searches of people, vehicles, buildings and large outdoor areas which may involve feeling and detecting objects; walking for long periods of time; detaining people and stopping suspicious vehicles and persons.
10. Conduct visual and audio surveillance for extended periods of time.

11. Engage in law enforcement patrol functions that include such things as working rotating shifts; walking on foot patrol and physically checking the doors and windows of buildings to ensure they are secure.
12. Effectively communicate with people, including juveniles, by giving information and directions, mediating disputes and advising of rights and processes.
13. Demonstrate communication skills in court and other formal settings.
14. Detect and collect evidence and substances that provide the basis of criminal offenses and infractions and that indicate the presence of dangerous conditions.
15. Endure verbal and mental abuse when confronted with the hostile views and opinions of suspects and other people encountered in an antagonistic environment.
16. Perform rescue functions at accidents, emergencies and disasters to include directing traffic for long periods of time, administering emergency medical aid, lifting, dragging and carrying people away from dangerous situations, and securing and evacuating people from particular areas.
17. Process and transport prisoners and committed mental patients using handcuffs and other appropriate restraints.
18. Put on and operate a gas mask in situations where chemical munitions are being deployed.
19. Extinguish small fires by using a fire extinguisher and other appropriate means.
20. Read and comprehend legal and non-legal documents, including the preparation and processing of such documents as citations, affidavits and warrants.
21. Process arrested suspects to include taking their photographs and obtaining a legible set of inked fingerprint impressions.

NOTE: The successful applicant must be able to perform ALL of the above essential job functions of an inexperienced law enforcement officer, unassisted, and at a pace and level of performance consistent with the actual job performance requirements. This requires a high level of physical ability to include vision, hearing, speaking, flexibility and strength.

PERSONAL CHARACTERISTICS

Since law enforcement officers are required to enforce the law and they are exposed to certain temptations to corruption, unlawful monetary gain, or to show favoritism, it is a "business necessity" that officers exhibit a history and characteristics of honesty, reliability, ability to manage personal finances, interpersonal skills, and integrity.

Additionally, law enforcement officers are frequently placed in a position of physical and mental stress. Therefore, a history of mental or physical disability may be grounds for denying employment, or these factors might be a consideration in the hiring process. Applicants posing a substantial risk of injury to themselves, other officers, and the public are at a substantial disadvantage in the hiring process.

AMERICANS WITH DISABILITIES ACT OF 1990

NOTE: The following is an extract from the full text of the Americans with Disabilities Act. The bolding and italics do not exist in the original text, and many sections are deleted. The goal of this document is to provide only that text which is relevant to criminal justice hiring and employment practices, nothing more. This document should not be used as a substitute for the original statute.

SEC. 2. FINDINGS AND PURPOSE

(a) Findings

1. 43 million Americans with one or more disabilities
2. History of segregation
3. Persistent examples in employment housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services.
4. Little legal recourse
5. Continuing physical and other impediments
6. Census data demonstrate economic disadvantage
7. Stereotypes are persistent and discriminatory
8. There is a National Goal of providing opportunity, full participation, independent living, and economic self-sufficiency.
9. Continued discrimination is unfair, costly, and inefficient.

(b) Purpose

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individual with disabilities.

SEC. 3. DEFINITIONS

(1) Auxiliary aids and services

(2) Disability.--The term "disability" means, with respect to an individual--

(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(B) a record of such impairment; or

(C) being regarded as having such impairment.

TITLE 1--EMPLOYMENT

SEC. 101. DEFINITIONS

(1) EEOC

(2)

(3) Direct Threat--a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

(4) Employee

(5) Employer--does not include Feds or 501(c), 25 employees until 2 yrs then 15

(6) Illegal use of drugs

(7) Persons

(8) Qualified Individual with a disability--The term means *an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.*

(9) Reasonable Accommodation--may include

(A) making existing facilities used by employees readily accessible to and usable by individual with disabilities; and

(B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(10) Undue Hardship--

(A) IN GENERAL.--The term means an action requiring significant difficulty or expense, when considered in light of the factors below

(B) FACTORS TO BE CONSIDERED.--In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include--

- (i) the nature and cost of the accommodation needed under this Act;
- (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (iv) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

SEC. 102. DISCRIMINATION

(a) GENERAL RULE--No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.

(b) CONSTRUCTION--As used in subsection (a), the term "discriminate" includes--

- (1) limiting, segregating, or classifying a job applicant or employee *in a way that adversely affects the opportunities* or status of such applicant or employee because of the disability of such applicant or employee.
- (2) participating in a *contractual or other arrangement* or relationship that has the effect of...discrimination.
- (3) *utilizing standards, criteria, or methods of administration-- (A) that have the effect of discrimination on the basis of disability; or (B) that perpetuate the discrimination of others who are subject to common administrative control.*
- (4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual *with whom the qualified individual is known to have a relationship or association*;
- (5) (A) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, *unless such covered entity can demonstrate that the accommodation would impose an **undue hardship** on the operation of the business of such covered entity*; or
(B) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, *if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant*;
- (6) using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities *unless the standard, test or other selection criteria, as used by the covered*

entity, is shown to be job-related for the position in question and is consistent with business necessity; and

(7) failing to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, such test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, **rather than reflecting the impaired sensory, aural, or speaking skills of such employee or applicant** (*except where such skills are the factors that the test purports to measure*).

(c) MEDICAL EXAMINATIONS AND INQUIRIES.--

(1) IN GENERAL--The prohibition against discrimination as referred to in subsection (a) shall include medical examinations and inquiries.

(2) PREEMPLOYMENT--

(A) Prohibited examination or inquiry.--Except as provided in paragraph (3), a covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.

(B) Acceptable inquiry.--a covered entity may make preemployment inquiries *into the ability of an applicant to perform job related functions*.

(3) Employment entrance examination.--A covered entity may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if--

(A) all entering employees are subjected to such an examination regardless of disability;

(B) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that

(i) supervisors and managers

(ii) first aid and safety personnel

(iii) government officials investigating compliance with this Act may have access to it.

(4) EXAMINATION AND INQUIRY.--

(A) Prohibited examinations and inquiries.--A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(B) Acceptable examinations and inquiries.--A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an

employee health program available to employees at that work site. *A covered entity may make inquiries into the ability of an employee to perform job-related functions.*

SEC. 103. DEFENSES.

(a) IN GENERAL.--It may be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under this title.

HIRING PROCESS

- Application
- Interview
- Personal History
- Background Investigation
- Criminal History
- Drug Test
- Physical Agility

CONDITIONAL OFFER

- Medical Exam
- Polygraph Exam*
- Psychological Screen*
- Other Assessment

DON'T ASK

With the enactment of the A.D.A. and the rule that implemented the Section 504 employment provisions, many criminal justice supervisors and managers are confused as to what may or may not be asked during a pre-employment interview. While it is recognized that all aspects of the employment process will undergo increased scrutiny, managers can apply some easily understood principles to questions that may be asked.

	AVOID ASKING	YOU MAY ASK
AGE	Date of birth or any other inquiry for the purpose of excluding persons between the ages of 40 - 70.	"Are you at least 18?" This is permissible since the POST probably has a minimum age and the employer may have a minimum and maximum age.
DISABILITY	Generalized or direct questions about an apparent or any disability.	Whether the applicant can perform the Essential Job Functions as published.
RACE/COLOR	Questions that attempt to identify race or color for the purpose of discrimination.	Nothing.
BIRTHPLACE	Ancestry, descent, citizenship, or national origin.	Whether the applicant is legally eligible to work in the United States.
RELIGION	Denomination or religious affiliation.	Whether the applicant can meet the work schedule with reasonable accommodation by the employer.
MILITARY SERVICE	Type of discharge.	Military experience and education that may be relevant to the job, as well as arrests and convictions under UCMJ. Warning: An open question may reveal the existence of a disability, i.e., medical discharge.
ARREST RECORD	Irrelevant questions.	Information about prior arrests and convictions in conformance with POST standards.

	AVOID ASKING	YOU MAY ASK
SEX	Sex of the applicant unless sex can be proven to be a bona fide occupational qualification.	Same.
CONVICTION RECORD	General questions about convictions, rather than those that are more direct and pertaining to the job.	Actual convictions that clearly relate to the job to be performed.
CREDIT RATING	Questions about charge accounts, loans, etc., that do not relate to the job.	Only job-related questions establishing a record important to the job.
HEIGHT & WEIGHT	Any questions unless directly job-related and derived from job specifications.	Same.
FAMILY INFORMATION	Number and age of children, marital status, child care arrangements, pregnancy or any other related questions.	Questions about the applicant's ability to meet work schedules.
MENTAL CONDITION	Have you ever seen a psychologist or psychiatrist? Been committed?	Not before the Conditional Offer
WORKER'S COMPENSATION HISTORY	Have you ever filed or been awarded a worker's compensation claim?	You may ask after the Conditional Offer. You may ask for accident history.

GENERAL GUIDE

Any inquiry should be avoided which requests information that could be used to discriminate against protected groups or the disabled. If the manager or interviewer is in doubt as to whether or not to use a question, consider its purpose first, then consider how the applicant is likely to react to it.

*SUGGESTED INTERVIEW QUESTIONS***Pre-Conditional Offer of Probationary Employment**

1. Why do you want to become an officer?
2. Are you at least 18 years of age?
3. Are you a United States citizen? (PSTC requirement)
4. Do you have a high school diploma or G.E.D.? (PSTC requirement)
5. Do you have a valid driver's license?
6. Has your driver's license ever been suspended or revoked? If so, is the revocation due to a traffic offense? When and why?
7. Who suggested that you apply for a position here?
8. Are you applying to other agencies?
9. Do you know any law enforcement, corrections, or other criminal justice officers? Who and what department?
10. Do you have relatives employed by this agency?
11. Have you ever been denied employment by a criminal justice agency? Who and when?
12. Do you speak a foreign language, and to what proficiency? (If relevant to jurisdiction.)
13. Who have you been previously employed by, and when?
14. Have you committed an illegal act in the last five years, and if so, what?
15. Have you ever been arrested, detained, or charged with a crime?
16. Have you ever been convicted of a crime?
17. Have you ever been convicted of a felony (a crime for which the punishment is more than two years)?
18. Are you presently using illegal drugs?
19. Have you ever possessed or sold any amount of illegal drugs? When?
20. Do you have any outstanding civil judgments against you?
21. Do you have relatives who have criminal convictions? For what?

22. How often do you consume alcohol?
23. Are you able and willing to work rotating shifts?
24. Are you able and willing to wear a uniform?
25. Are you able and willing to meet this department's grooming standards?
26. Are you willing to use deadly force, if necessary, to protect your life and/or that of another?
27. Are you able and willing to render emergency aid to trauma victims?
28. Are you able and willing to identify dead persons and witness autopsies?
- 29-50. Are you able and willing to perform the essential job functions of the position for which you have applied? (See Appendix 18 and review with applicant.)

NOTE: You may be required to demonstrate the ability to accomplish the essential job functions by performing various tasks.

51. With proper training and supervision, do you believe that you can perform ALL of the essential job functions of a law enforcement officer, unassisted and without delay?
52. Are you an honest person?
53. Are you reliable?
54. Are you able to manage your personal finances?
55. Are you good at communicating with all kinds of people?
56. Are you able to control your anger when insulted or threatened?
57. Are you able to function normally when placed under temporary or prolonged stress?

MILITARY SERVICE

1. Have you been a member of the armed services?
2. If yes, when?
3. If yes, what were your occupational specialties and assignments?
4. Was your discharge honorable?
5. Did you have any arrests or convictions under UCMJ?
6. Did you receive any disciplinary actions under UCMJ? If so, when?
7. What special training did you receive in the armed services that would be relevant to this position?

COPING WITH THE A.D.A.

By: Director Earl M. Sweeney
NH Police Standards & Training Council

Origins of the Act

On July 26, 1990, President George Bush signed into law the Americans With Disabilities Act, or "A.D.A.," following its passage by Congress.

Its purpose was to eliminate artificial barriers to the employment of disabled citizens by prohibiting employers from discriminating against otherwise qualified job applicants based on their handicapping condition, as long as they can perform the "essential functions" of the job.

The A.D.A. is enforced by the federal Equal Employment Opportunity Commission, or E.E.O.C., and they have adopted a set of rules in the Title 29, Chapter 35 of the Code of Federal Regulations (29 C.F.R. 35) which further define what the new law means and how it applies to public and private employers.

Title I of the Act took effect for private employers with 25 or more employees on July 26, 1992; and it affects private employers with 15-24 employees as of July 26, 1994.

However, it applies to all public employers (except the federal government itself), regardless of size and regardless of whether or not they accept any federal funds, as of July 26, 1990. And, despite lobbying efforts by the International Association of Chiefs of Police and other law enforcement groups, the law contains NO exemption for law enforcement!

What You Are Prohibited from Doing During the Initial Hiring Phases:

There has been a lot of confusion about the A.D.A. and a lot of rumors about what you can and cannot do under its provisions. The smoke has now cleared, and some of the misconceptions have been cleared up, and it may not be as difficult to live with as some people first thought.

For years now, as administrators we have been alert to the fact that we cannot discriminate in our hiring and promotional practices against applicants on the basis of sex, race, or religion. The A.D.A. simply adds the disabled to that protected class of people, but goes one step further in the case of the disabled, and requires that you make reasonable accommodation for them to do the job.

However, it has caused most of us to make some radical alterations in the processes we use to hire and promote our employees, and in the way we handle on-the-job injuries. If we do not adhere to these laws, we will find ourselves in federal court in a heartbeat, and could even find ourselves sued in a Title 42 U.S.C. 1983 civil rights action.

Small, local law enforcement agencies may find it difficult to cope with the A.D.A. simply because they do not have planning and research people on their staffs who can rewrite job descriptions and come up with new procedures.

The larger agencies, such as State Police organizations and large city police departments who have staff people with the time and capabilities to do this work, still have problems, because many of them have to deal with a central personnel agency, a civil service system, or an inflexible collective bargaining agreement, and have to convince some bureaucrat somewhere of the need to change some procedure or system that has been cast in concrete for many years.

Some of the changes that have been made to hiring procedures under the A.D.A. include:

- You are no longer able to refuse an applicant for a police position simply because they are physically disabled and police work is physically demanding. Now, you have to go through a two-step analysis. First, you have to determine if the disability prevents them from performing one or more "essential job functions", and second, you have to determine that there is no "reasonable accommodation" you can build into the job that could enable them to perform it.
- On your initial employment application forms, you are forbidden to ask any questions about the employee's medical condition or any physical disabilities that they might have. Because of this, many of us have had to revise our employment application forms. The purpose of this regulation is to avoid screening out an otherwise qualified applicant because of some stereotype or notion that you may have about a particular physical disability, without allowing them to compete for the job and determining on a case-by-case basis whether, with reasonable accommodation, they are capable of doing it.
- You cannot require an applicant to take a medical exam with a physician as part of the initial employment process. The purpose of this regulation, again, is to avoid screening out someone who has a disability, before you know whether it would affect an essential job function, and before you know whether or not you can reasonably accommodate the disability. All medical testing, when done, has to be done on a "pass/fail" criteria, and an applicant's medical records have to be kept in a separate file, with access to it limited only to those persons within your agency who have a legitimate need-to-know because of their direct involvement in the hiring process.
- If you do psychological testing on candidates, and if your psychological testing is based on a medical model designed to discover possible mental illness, you cannot require it as part of the initial employment process. The purpose of this rule, again, is to prevent you from screening out someone who might suffer from a mental illness but could still perform an essential job function, or whose disability could be reasonably accommodated.
- If you do polygraph testing on candidates as part of the screening process; if you ask any questions as part of the polygraph test or pre-polygraph interview that inquire into an applicant's medical history or medical condition, then the polygraph test cannot be given until after a Conditional Offer of Probationary Employment.

- You cannot ask an applicant any questions about any physical disability that they may have, as part of a job interview. To avoid lawsuits and problems, if you have a set of recommended questions that you have your oral boards ask job applicants, you should revise them to eliminate any of these disallowed lines of inquiry. If you do not have "canned" questions, you should issue written and oral instructions to your oral board members in advance of every oral board, telling them that these questions may not be asked.
- You cannot refuse to hire or promote an individual because they have a history of alcoholism or drug use, IF they have successfully completed a treatment program and are now free of alcohol or drug abuse problems.
- The same standards that apply to applicants for initial hiring, also apply to applicants for promotions.
- One of the major effects the A.D.A. could have on your department, may be to increase the cost of the hiring process. Not only is there more time and expense involved in revising job descriptions and personnel forms, but in the past, we have always tried to put the most expensive parts of the hiring process, such as the background investigation, at the tail end of the process after we have weeded out the obvious "no-hires." Now, some of the more expensive processes will have to occur earlier on, while there is still a large number of applicants under consideration.

What You Are Still Permitted to Do During the Initial Hiring Phases

While it may seem that there is a lot you cannot do under the A.D.A., it is still possible to screen out undesirables, provided you revise your hiring and promotional system. For instance:

- You are permitted to administer a physical agility test as part of the initial hiring process, to determine if the applicant has a sufficient level of physical fitness to successfully complete the NH Police Training Academy, and to perform on the job. Section 1630.14(a) under Pre-Employment Inquiry, specifically states that physical agility tests are not medical examinations, and so may be given at any point in the application or employment process. The only thing to watch out for here, is that the same tests must be administered to ALL applicants, and you cannot refuse to allow a handicapped person to go through and try to demonstrate that they can pass the test. For example, if you had an applicant with an artificial limb who felt that he/she could do the push-ups, the sit-ups, the run, or whatever, he/she must be permitted to try. However, there may be some danger in allowing a person who has not had a physical examination to participate in strenuous testing, so you may have to bifurcate your medical examination process so that the applicant appears for the physical agility test with a simple "yes/no" slip from a doctor saying that it is safe for the applicant to take the test, but you do not see the detailed physical exam form until after a Conditional Offer of Probationary Employment has been made. You may simply want to ask the applicant to sign a waiver of liability before taking the physical agility test, but your legal counsel will probably tell you that waivers are not a very reliable means of protecting you against liability. Or, you may want to delay physical agility testing until later in the process. Also, you need to look over your physical agility test to be sure that it is job-related to the essential functions of the position you are seeking to fill.

- Some psychologists are interpreting the A.D.A. rules to mean that you are permitted to administer a psychological screening test as part of the initial process, provided that the passage of the exam is made a "pass/fail" criteria, and provided that you cannot ask questions about an individual's past alcohol or drug use or abuse, or past history of mental illness until after a conditional job offer has been made to the person, *UNLESS* those questions are essential because of *BUSINESS NECESSITY*. They feel that the federal Rehabilitation Act of 1973, Section 504, supersedes the A.D.A. for high-risk occupations such as police and fire departments and security firms because of business necessity. However, the E.E.O.C. has not agreed with this interpretation, and because most psychological screening instruments such as the MMPI ask questions about physical conditions, the safest policy would be to move your psychological screening so that it takes place *AFTER*, not before, the Conditional Offer of Probationary Employment.
- You can administer a drug screening test to detect any *CURRENT* drug use, since the A.D.A. says that current drug users are not considered disabled, and therefore not protected by the Act. Also a drug screen is not considered a medical exam and, therefore, can be given early in the process. However, because many prescription drugs can show up on a drug screen, and because determining whether the applicant is taking prescription drugs might involve an inquiry into his or her medical condition, it may be wise not to attempt to administer a drug screen at this point in the process.
- You can do a thorough background investigation at any point in the hiring process, with the exception that you cannot ask any direct questions about a physical disability or medical condition.
- When interviewing an applicant or a character reference, although you cannot inquire directly about any medical condition or disability that they may have, you *CAN* describe certain essential functions of the job to them, and ask whether, in their opinion, the applicant can perform these functions. For example, if you have an applicant who is missing an index finger on his/her strong hand, you cannot ask how the finger was lost or refer to the missing finger, but you can ask something like, "An essential part of a police officer's job with this department involves firing a pistol or revolver, and in case you are wounded in one hand, you may have to fire it with either hand. Do you feel you could fire a pistol or revolver with both hands?"

The Conditional Offer of Probationary Employment

Let's say that you are now well into your hiring process. You have screened applications and resumé's, being sure that you did not ask any questions related to a physical disability or medical condition. You have given a written examination and weeded out people based on their scores. You have administered a job-related physical agility test, and weeded out some more undesirables. You may have conducted a credit check, or even a full background investigation. The applicant has passed all of these "pass/fail" types of tests. What now?

- Your next step is to issue a Conditional Offer of Probationary Employment to this applicant. You are telling him/her, "We are offering you a job with this department, but only providing you take the following additional tests or steps in the screening process, and based on them, we

find that you are able, with reasonable accommodation, to perform the essential functions of the job."

- Having issued this Conditional Offer of Probationary Employment, you can now require the applicant to:
- Answer questions about their medical history and any history of mental illnesses, and pass a medical examination by a physician. The medical examination, however, must be "appropriate," which appears to mean that they are related and tied in to the essential functions of the job. This may mean revising your medical exam forms, and issuing written guidelines to examining physicians, and it may mean setting up a medical review board to handle appeals from persons who are turned down based on the medical exam and want to prove that they can still do the job.
- Explore any past history of alcoholism, drug abuse or mental illness and the effectiveness of any treatment or rehabilitation programs that the person had completed and require a psychological screening test or interview.
- If your polygraph or drug screening involves medical questions and consequently could not be administered earlier, these tests can be given at this point in the process.

Reasonable Accommodation

Let's assume that you now have the results of all these tests, and it appears that the applicant has some sort of a disabling condition that might keep them from performing one or more of the essential functions of the job. You now need to do two things:

- Determine that, in your best judgment, the condition would prevent the person from performing an essential job function.
- Determine if there is any reasonable accommodation that you can make without undue hardship to your agency, that would allow the person to still do the job.

The nature of the term "reasonable accommodation" will vary from one individual to another, and the Act suggests that you first ask the employee what accommodation, in their opinion, would be required to enable them to do the job. The answer may be simply providing an extra cushion for the cruiser seat, or providing a telephone amplifier for a dispatcher candidate who is hard of hearing. As an example, if the person is partially deaf in one ear, could they still do the job if a hearing aid is worn? If the person is so short they cannot reach the pedals on the police cruiser, could you modify the cruiser so that the person could drive it? Could the person somehow "share" the job with another person, and what one is unable to do, the partner could do for them?

If you can make a reasonable accommodation and thereby hire a disabled person, you are required to do so. However, you are *NOT* required to make an accommodation if doing so would work an "undue hardship" on your agency. In determining whether something would cause an undue hardship or not, the Courts will look at whether or not it will cause "significant difficulty or expense," considering such factors as the cost of the accommodation, the number of employees

involved, the size of your operation, and your resources as an employer. In other words, a "balancing test" must weigh the cost of the accommodation against the resources of the employer. If you had to modify your cruisers to accommodate a wheelchair, this would probably be considered too expensive and would possibly entail modifications that would make the vehicles difficult for other employees to operate, thus working an undue hardship on your agency. And if you could prove that part of the essential job functions of a police officer to get through the Academy and to do the job afterwards were to chase fleeing suspects on foot down alleys and over backyard fences, then there would be no reasonable accommodation possible and you would not be required to hire a paraplegic as a police officer.

If you find either that there is no reasonable accommodation that can be made, or that making it would cause you undue hardship, then you can revoke your Conditional Offer of Probationary Employment and decline to hire the applicant.

How Does it Affect Continuing Employment?

In the past, large police agencies have had enough flexibility to be able to assign persons who were injured in the line of duty to certain "light duty" assignments until they recovered and could return to their regular assignments. However, tight budgets and economics have led to filling as many positions that did not require a sworn police officer as possible with civilians, beginning with the dispatch function and spreading throughout the agency. The result has been that today there are fewer and fewer "light duty" assignments within a police department, and most of the small departments have none at all. The A.D.A. could affect all of this.

How will it affect your current employees who become disabled at some point during their career? Will you be required to create permanent "light duty" assignments to accommodate them?

- The A.D.A. does not apply to temporary conditions. Thus, an officer who loses the use of his/her gun hand as the result of a struggle with a suspect or even an injury at home while painting his/her house, but is expected to recover with treatment, is not protected by the A.D.A. However, if the loss of the gun hand is permanent, he/she would be covered under the A.D.A.
- In the case of a permanent handicap, the same standards will apply to this existing employee as would apply to a new job applicant. Can he/she still perform the "essential job functions?" If not, can some "reasonable accommodation" be made, without "undue hardship" to the employer, such as retraining, assignment to a job within the agency where a gun was not necessary to do the job, etc.? If the answer is "yes", and the loss of the gun hand would not prevent the officer from performing the other essential job functions, you must make the accommodation for the handicap.
- This also applies to promotions. An employee cannot be discriminated against in promotions or assignments as the result of a disability, if he/she is otherwise qualified and reasonable accommodation can be made.

What Should You Do To Cope With the A.D.A?

To avoid unnecessary lawsuits, at a minimum, you should do the following as soon as possible:

- Review and evaluate all of your hiring, promotional and light duty practices and procedures, and make such revisions as are necessary to comply with all provisions of the A.D.A. Moreover, if you have more than fifty employees, you must retain written documentation of this evaluation for three years for public inspection, including the names of the persons who participated in or conducted this evaluation for you. The process, to be valid, should include not only your own employees, but outside representatives, including organizations representing the disabled.
- If you have any union contracts, civil service regulations or state statutes that conflict with the A.D.A., you should seek legal advice and will probably be told to disregard those portions until the appropriate changes can be made.
- You should have a written job description for every job in your agency, that has been revised to describe the essential job functions, with particular reference to any physical, emotional or mental skills that are required to do the job. This job description, preferably, should be based on a formal Job Task Analysis but, if not, at least on tasks identified as the result of a careful look at each job. If the ability to carry a weapon and make forcible arrests is essential for every sworn officer regardless of rank, then your job description had better specify this. If clear speech is a condition of being a dispatcher, then you will not be able to disqualify a person with a hair lip or cleft palate unless your job description for dispatchers spells out that clear, understandable speech is an essential requirement of the job.
- You should revise your current employment applications to eliminate any questions about medical conditions, alcoholism, drug abuse, or mental hospitalization.
- You should modify your flow chart of how applicants are processed, so that medical screening and certain other procedures are done only after a Conditional Offer of Probationary Employment has been made.
- You should revise your physical agility tests, or at least validate them, to be sure they relate to essential job functions. If your agility test has different standards for males vs. females, or is age-related, can you justify different scores for the same essential job function?
- You should seek legal assistance to draft a proper Conditional Offer of Probationary Employment for your agency.
- You should arrange to keep medical information on applicants on separate forms and in separate medical files.
- You should draft model questions or instructions to anyone who conducts job interviews, as to what questions they can and cannot ask of an applicant. (See Appendices 3 and 21.)
- You should review your medical examination procedures, to make sure that any medical requirements relate to essential job functions as indicated by the job description, and that there is some sort of a process whereby an applicant who is screened out can ask for a review of that decision.

- You should adopt a procedure whereby when an employee becomes injured or ill so that his/her ability to perform essential job functions is impaired, a thorough, unbiased professional fitness for duty examination is required, and the examining professional determines whether the condition is temporary or permanent in nature, and gives his/her opinion as to whether the employee can perform the essential job functions without accommodation and, if not, what type of accommodation would be necessary.
- You should review all of your current recruitment advertising and job postings to be sure they do not violate A.D.A. provisions.
- You should prepare written protocols which give examining physicians a clear picture of what the job of a police officer entails, and which physical conditions should receive special consideration as making it difficult to perform essential job functions. For example, how important would it be for an officer who might have diabetes which requires control by insulin and the periodic ingestion of food, to be able to function long hours on a stakeout assignment where he/she might be unable to take care of this condition?
- You must train all of your personnel who will be involved in the hiring and promotional process, including relevant clerical personnel and supervisors at all levels, as to what questions can be asked of applicants, and what must be considered when someone is injured.

**LAW ENFORCEMENT CERTIFICATION
AND
THE AMERICANS WITH DISABILITIES ACT
(A.D.A.)**

In July of 1992, the employment provisions of the Americans With Disabilities Act (A.D.A.) took effect. Many New Hampshire law enforcement managers wondered if NH Police Standards & Training Council administrative rules would allow them to comply with its provisions. While we saw three potential areas of concern, we believe that NH Police Standards & Training Council rules are compatible with A.D.A.

The A.D.A. requires employers to make a Conditional Offer of Probationary Employment before administering a medical examination. It also requires the employer to limit access to medical records, and to file them separately from personnel records.

As is true with all NH Police Standards & Training Council standards, the medical exam is a certification standard, not an employment standard. It may be performed after a Conditional Offer of Probationary Employment has been made. The medical standard allows law enforcement employers to accommodate potential employees with disabilities as required by the A.D.A.

While an employer must segregate the employee's medical record, a certifying body like NH Police Standards & Training Council may have access to the record. We evaluated our medical review process to avoid any conflicts with the new law.

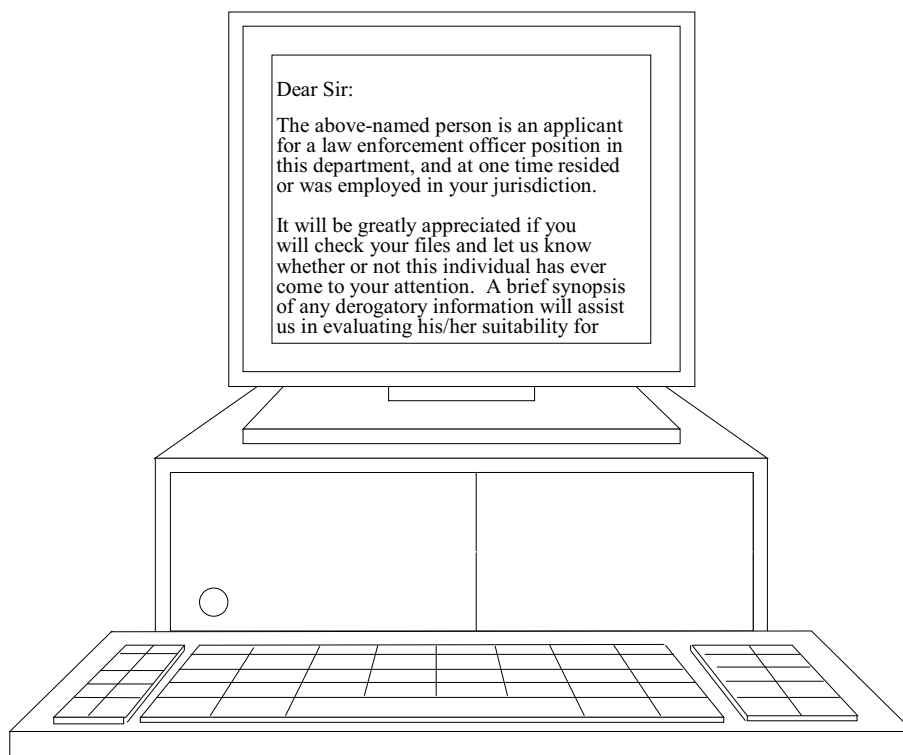
A.D.A. includes rehabilitated drug addicts in its definition of an individual with a disability. Does this mean that NH Police Standards & Training Council certification standards concerning prior drug use can't be enforced? EEOC interpretive guidance for the A.D.A. states, "An employer, such as a law enforcement agency, may also be able to impose a qualification standard that excludes individuals with a history of illegal use of drugs if it can show that the standard is job-related and consistent with business necessity."

Our drug use standards relate to integrity, not medical condition. We believe that the standard is job-related and will stand a test of business necessity. We suggest that when making pre-employment inquiries, drug use questions should focus on the applicant's illegal behavior, and exclude references to medical conditions such as addiction.

A third area of concern is our physical fitness standard. It originated in the belief that a level of fitness and strength equivalent to the average of the general population is necessary for the safe and effective delivery of law enforcement services. The physical fitness test is a training standard. It is required for graduation from an academy, or for successful completion of a waiver of basic training examination. It is not a hiring standard. We believe that this standard is job-related and defensible.

We developed a model job description for the entry-level New Hampshire law enforcement officer. It is based on the NH Police Standards & Training Council job task analysis many of you participated in, and identifies the major job functions of an entry-level officer. We also reviewed all NH Police Standards & Training Council forms to conform to the A.D.A. law.

The A.D.A. is a wide-ranging piece of legislation. As is often true with legislation of this scope, a number of different interpretations have emerged. We will keep you updated on our progress in understanding the A.D.A., and adapting to it.



FORMS. . .

INSTRUCTIONS - PERSONAL HISTORY STATEMENT

NOTE: Read these instructions carefully before proceeding.

These instructions are provided as a guide to assist you in properly completing your Personal History Statement. It is essential that the information be accurate in all respects. It will be used as the basis for a background investigation that will determine your eligibility for employment.

1. Your Personal History Statement should be printed legibly in ink. Answer all questions to the best of your ability. If a question is not applicable to you, enter N/A in the space provided. If you do not know the answer to a particular question, indicate by entering "don't know" in the space provided.
2. Avoid errors by reading the directions carefully before making any entries on the form. Be sure your information is correct and in proper sequence before you begin.
3. You are responsible for obtaining correct addresses and telephone numbers. If you are not sure of an address, check it by personal verification. Your local library may have a directory service or copies of local phone directories.
4. If there is insufficient space on the form for you to include all information required, attach extra sheets to the Personal History Statement. Be sure to reference the relevant section and question number before continuing your answer.
5. An accurate and complete form will help expedite your investigation. On the other hand, deliberate omissions or falsifications may result in disqualification.

PERSONAL HISTORY STATEMENT

A. Applicant Identification: Information provided in this section is used for identification purposes only.

1. Name _____
(last) (first) (middle initial)

2. Address _____
(number) (street) (apt. #)

(city) (state) (zip +4)

3. Telephone _____
(home) (work)

4. Date of Birth ____ / ____ / ____ 5. Social Security No ____ - ____ - ____

6. Place of Birth _____
(city) (county) (state) (zip +4)

7. Nickname(s), maiden name, or other name(s) by which you have been known:

8. Are you a U. S. citizen? Yes [] No []

9. Driver's License # _____ Exp. Date _____

10. Height _____ 11. Weight _____

12. Color of Eyes _____ 13. Color of Hair _____

14. Scars, tattoos, or other distinguishing marks _____

B. Residences: List all addresses where you have lived during the past ten (10) years, beginning with present address. List dates by month and year. Attach extra page if necessary.

1. From _____ To _____
(date) (date)

(number) (street) (town) (zip +4)

2. From _____ To _____
(date) (date)
- _____
- (number) (street) (town) (zip +4)
3. From _____ To _____
(date) (date)
- _____
- (number) (street) (town) (zip +4)
4. From _____ To _____
(date) (date)
- _____
- (number) (street) (town) (zip +4)

C. Experience & Employment: Beginning with your present or most recent job, list all employment held for the past ten (10) years, including part-time, temporary or seasonal employment. Include all periods of unemployment. Attach extra pages if necessary. Please indicate if you are fearful that your present job would be in jeopardy if inquiries are made.

1. Employer _____
- Address _____
- (number) (street) (town) (zip +4)
- Tel # _____ Job Title _____
- Supervisor _____ Title _____
- Name of Co-Worker _____
- Date Started _____ Date Left _____
- Reason for leaving _____
- _____
2. Employer _____
- Address _____
- (number) (street) (town) (zip +4)
- Tel # _____ Job Title _____
- Supervisor _____ Title _____
- Name of Co-Worker _____

Date Started _____ Date Left _____

Reason for leaving _____

3. Employer _____

Address _____

(number) (street)

(town)

(zip +4)

Tel # _____ Job Title _____

Supervisor _____ Title _____

Name of Co-Worker _____

Date Started _____ Date Left _____

Reason for leaving _____

4. Employer _____

Address _____

(number) (street)

(town)

(zip +4)

Tel # _____ Job Title _____

Supervisor _____ Title _____

Name of Co-Worker _____

Date Started _____ Date Left _____

Reason for leaving _____

5. Employer _____

Address _____

(number) (street)

(town)

(zip +4)

Tel # _____ Job Title _____

Supervisor _____ Title _____

Name of Co-Worker _____

Date Started _____ Date Left _____

Reason for leaving _____

6. Employer _____

Address _____

(number)

(street)

(town)

(zip +4)

Tel # _____ Job Title _____

Supervisor _____ Title _____

Name of Co-Worker _____

Date Started _____ Date Left _____

Reason for leaving _____

D. Military History:

1. Have you served in the U. S. Armed Forces? Yes [] No []

2. Date of Service: From _____ To _____

Branch _____ Unit Designation _____

Military Service No _____

Highest Rank Held _____

Type of Discharge _____

3. Were you ever disciplined while in the military service (include court-martial, captain's masts, company punishment, etc.)? Yes [] No []

Charge #1 _____ Agency _____

Date _____ Age at Time _____

Disposition _____

Charge #2 _____ Agency _____

Date _____ Age at Time _____

Disposition _____

Charge #3 _____ Agency _____

Date _____ Age at Time _____

Disposition _____

If you received a discharge other than honorable, give complete details: _____

E. Education:

1. High School _____

Address _____

(number)

(street)

(town)

(zip +4)

From 19____ To 19____ Graduated Yes [] No []

2. College/University _____ From 19____ To 19____

Town & State _____ Degree Received Yes [] No []

Units Completed _____ Major/Minor _____

College/University _____ From 19____ To 19____

Town & State _____ Degree Received Yes [] No []

Units Completed _____ Major/Minor _____

College/University _____ From 19____ To 19____

Town & State _____ Degree Received Yes [] No []

Units Completed _____ Major/Minor _____

3. List other schools attended (trade, vocational, business, etc.)

Name _____ From 19____ To 19____

Address _____

(number) (street) (town) (zip +4)

Course of Study _____ Diploma/Certificate Yes [] No []

Name _____ From 19____ To 19____

Address _____
(number) (street) (town) (zip +4)

Course of Study _____ Diploma/Certificate Yes [] No []

F. Special Qualifications and Skills

1. List any special licenses you hold (such as pilot, radio operator, scuba, etc.)

Licensing authority _____

Date of Issue _____ Expiration Date _____

Licensing authority _____

Date of Issue _____ Expiration Date _____

Licensing authority _____

Date of Issue _____ Expiration Date _____

2. List any specialized machinery or equipment you can operate.

3. If you are fluent in a foreign language, indicate in each area your degree of fluency.

Language_____

	<u>Good</u>	<u>Fair</u>	<u>Excellent</u>
Reading	[]	[]	[]
Speaking	[]	[]	[]
Understanding	[]	[]	[]
Writing	[]	[]	[]

4. List any other special skills or qualifications you may possess.

G. Legal:

1. Have you ever been convicted, arrested, detained by police or summonsed into court?

Yes [] No [] If yes, complete the following (list juvenile as well as adult occurrences):

Police Agency _____
(city) (state)

Crime Charged _____ Disposition _____

Disposition _____ Disposition _____

Police Agency _____
(city) (state)

Crime Charged _____ Disposition _____

Disposition _____ Disposition _____

2. Have you ever been involved as a party in civil litigation? Yes [] No []

If yes, give details _____

H. Motor Vehicle Operation:

1. Has your driver's license ever been suspended or revoked? Yes [] No []

If yes, give date, location and reason _____

2. Name of Auto Insurance Carrier _____

Branch _____ Policy # _____ Tel # _____

3. List to the best of your recollection all driving citations you have received as a juvenile and adult, excluding parking tickets.

Month & Year	Charge	City & State	Disposition
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Describe in a brief narrative any traffic accidents in which you have been involved, giving approximate dates and locations.

I. Relatives:

1. Are you? Single [] Married [] Separated [] Divorced [] Widowed []

2. If married:

Spouse's Name (wife's maiden name) _____

Date Married _____ City & State _____

3. Ex-Spouse's Name (wife's maiden name) _____

Date Married _____ City & State _____

Present Address _____

(number) (street) (town) (zip +4)

Tel # _____

State which: Separation [] Divorce [] Annulment []

Date of Order _____ Court & State _____

4. List all children related to you or your spouse (natural, step-children, adopted and foster)

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Date of Birth _____ Supported by _____

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Date of Birth _____ Supported by _____

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Date of Birth _____ Supported by _____

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Date of Birth _____ Supported by _____

5. List all other dependents:

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

Name _____ Relation _____

Address _____

(number) (street) (town) (zip +4)

6. List other relatives:

Mother _____

Address _____

(number) (street) (town) (zip +4)

Tel # _____

Father _____

Address _____

(number) (street) (town) (zip +4)

Tel # _____

Brother/Sister _____

Address _____
(number) (street) (town) (zip +4)

Tel # _____

Brother/Sister _____

Address _____
(number) (street) (town) (zip +4)

Tel # _____

Brother/Sister _____

Address _____
(number) (street) (town) (zip +4)

Tel # _____

J. References & Acquaintances:

List five persons who know you well enough to provide current information about you. Do not list relatives or former employers:

Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Business Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Years known _____

Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Business Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Years known _____

Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Business Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Years known _____

Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Business Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Years known _____

Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Business Name _____ Tel # _____

Address _____
(number) (street) (town) (zip +4)

Years known _____

K. Financial:

1. What is your present salary or wage? _____

2. Income from any source other than your principal occupation? Yes [] No []

If yes, how much? _____ How often _____

The source _____

3. Do you own any real estate? Yes [] No [] Value _____

Location _____

4. Do you own any bonds, government or other? Yes [] No []

Value _____

5. Do you own any corporate stock? Yes [] No [] Value _____

6. Do you have a bank account? Yes [] No []

Checking Acct. Bank _____ Aver. Bal. _____

Address _____

(number) (street) (town) (zip +4)

Checking Acct. # _____ Tel # _____

Savings Acct. Bank _____ Aver. Bal. _____

Address _____

(number) (street) (town) (zip +4)

Savings Acct. # _____ Tel # _____

7. Financial Obligations: **ALL AREAS MUST BE COMPLETED**

Give names and addresses of the individuals, companies, or others to whom you are indebted, and the extent of your debt. Include rent, mortgages, vehicle payments, charge accounts, credit cards, loans, child support payments, and any other debts and payments. Include account numbers where applicable.

Name _____ Type Account _____

Address _____

(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____

(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

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Reason for purchase _____

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Address _____
(number) (street) (town) (zip +4)

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Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Name _____ Type Account _____

Address _____
(number) (street) (town) (zip +4)

Acct. # _____ Monthly Payment _____ Balance Due _____

Reason for purchase _____

Total debt at this time _____

I hereby certify that there are no willful misrepresentations, omissions, or falsifications in the foregoing statements and answers to questions. I am fully aware that any such misrepresentations, omissions, or falsifications will be grounds for immediate rejection or termination of employment.

Date: _____

Signature of Applicant

AUTHORIZATION TO RELEASE INFORMATION

I, _____, born in _____,
Print Full Name City and State of Birth

having filed an application for employment with the _____, consent
Department/Agency

herein to have an investigation made as to my moral character, reputation, and fitness for the position for which I have applied. Furthermore, I agree to give any additional information that may be required during the conduct of that investigation.

I also authorize and request every person, firm, company, corporation, partnership, governmental agency, court, association, medical professional*, medical facility or institution*, school, college, or branch of the military having control of any documents, records, reports, or other written information pertaining to me, to cooperate and allow inspection or provide copies of such documents, records, reports, or other written information to the _____ or
Person(s)/Agency
any of its agents or representatives.

I hereby release, exonerate and discharge the _____,
Person(s)/Agency
its agents and representatives, and any person or entity so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such written documents, records, reports, or other written information to the said _____
Person(s)/Agency
or its agents or representatives.

It has been explained to me, and I fully understand, that refusal to grant this authorization will not necessarily void my application.

This authority shall continue for one year from the above date, unless sooner revoked by me in writing.

Signature of Applicant

Date

County of _____ New Hampshire

Personally appeared the above-named _____ before me,

_____, and acknowledged the foregoing to be his/her voluntary
Justice of Peace or Notary Public

act and deed.

*Medical records will not be sought unless and until you have been given a conditional offer of probationary employment.

AUTHORIZATION TO RELEASE MEDICAL RECORDS

Dear Sir:

I am a candidate for the position of _____ with the
Title
_____ Department, have been given a conditional offer of
probationary employment, and it is essential for the department to evaluate my medical
background.

For the purpose of this evaluation, the department requires a list of all injuries and
illnesses for which I have been treated.

Please forward to me in care of the above-mentioned department, Personnel Division,
_____, any information you have
Street # Street Name City State Zip +4
regarding my medical background.

This is a matter of great importance to me, and your prompt reply will be greatly
appreciated.

This release will expire 60 days after the date signed.

Date

Signature

CONFIDENTIAL QUESTIONNAIRE TO EMPLOYERS

To:

Name of Employer

No. Street Town State Zip +4

Applicant's Name _____ Social Security # _____

Employed from _____ to _____

Name of Supervisor _____

1. Are the employment dates correct? Yes [] No []

If no, what are the correct dates? From _____ to _____

2. What were this person's primary duties? _____

3. Gross earnings per pay period? _____

4. Was this person's work considered to be satisfactory? Yes [] No []

If no, please describe deficiencies _____

5. Is this person eligible for rehire? Yes [] No []

If no, state reasons _____

6. What was the reason for termination of employment? _____

7. If the person resigned, was the resignation voluntary? Yes [] No []

If no, please explain _____

8. Was there any problem with absenteeism or excessive use of sick leave?*

Yes [] No []

If yes, please explain _____

-
9. Did this person get along well with supervisors, co-workers, and/or the public? Yes [] No []

If no, please explain _____

10. Was there ever any reason to doubt this person's honesty? Yes [] No []

If yes, please explain _____

11. Did this person ever collect workmens' compensation or other disability payments? Yes [] No []

If yes, for what reason _____

12. Did he/she ever have any personal domestic or financial problem which interfered with work? Yes [] No []

If yes, please explain _____

13. Please describe this person's general reputation among co-workers and supervisors.

Thank you for your assistance.

Date

Signature

Telephone Number

Title

*These questions should not be asked unless a conditional offer of probationary employment has been made.

CONFIDENTIAL QUESTIONNAIRE TO PERSONAL REFERENCES

To: _____
Name of Reference

No. Street Town State Zip +4

Applicant's Name _____

1. How long have you known this person? From _____ to _____
2. Does this person work regularly? Yes [] No []
3. Has he/she ever been unemployed for an unusually long period of time? Yes [] No []
If yes, what were the approximate dates? From _____ to _____
4. Has he/she ever been fired from a job? Yes [] No []
If yes, when and what were the circumstances? _____

5. Does he/she get along well with people? Yes [] No []
6. Has this person ever had any significant academic or disciplinary problems while in school? Yes [] No []
If yes, please explain _____

7. Has he/she ever been arrested or convicted of a criminal offense, or been party to civil litigation? Yes [] No []
If yes, when and where? _____
8. Has this person ever had marital problems? Yes [] No []
If yes, please give details _____

9. Does he/she generally pay his/her bills on time? Yes [] No []

10. Has he/she ever had any significant financial problems? Yes [] No []

If yes, please give details _____

11. Has this person ever been seriously ill or injured?* Yes [] No []

If yes, please describe _____

12. Does this person take medication of any kind, prescription or non-prescription?* Yes [] No []

If yes, what is the medication for? _____

13. Have you known this person to use alcohol to excess?* Yes [] No []

If yes, please describe the circumstances _____

14. Have you known this person to use marijuana or other illegal drugs?* Yes [] No []

If yes, please describe the circumstances _____

15. Have you ever known this person to intentionally engage in an unlawful activity? Yes [] No []

If yes, please explain _____

16. How would you describe this person's general reputation among his/her friends and associates?

17. Please list the names of two other persons who may also know the applicant. Please include address and telephone number.

Name _____ Telephone # _____

Address _____

No. Street Town State Zip +4

Business Name _____ Telephone # _____

Address _____

No. Street Town State Zip +4

Years known _____

Name _____ Telephone # _____

Address _____

No. Street Town State Zip +4

Business Name _____ Telephone # _____

Address _____

No. Street Town State Zip +4

Years known _____

Thank you for your assistance.

Date

Signature

Telephone Number

CONFIDENTIAL QUESTIONNAIRE TO EDUCATIONAL INSTITUTIONS

To: _____
Name of School

No. Street Town State Zip +4

Applicant's Name _____

Applicant's Maiden Name, if applicable _____

Dates attended: From _____ to _____

1. Was a diploma or degree awarded to this person? Yes [] No []

If no, provide the details _____

2. What was this person's overall grade point average or class standing? _____

3. Was he/she ever suspended or placed on probation? Yes [] No []

If yes, please describe the circumstances _____

4. Did this person ever have difficulty getting along with students, instructors, or administrators? Yes [] No []

If yes, please explain _____

Thank you for your assistance.

Date

Signature

Telephone Number

Title

CONFIDENTIAL QUESTIONNAIRE TO LANDLORDS

To: _____
Name of Landlord

No. Street Town State Zip +4

Applicant's Name _____

Residence from: _____ to _____

1. How long have you known this person? _____

2. Did this person pay his/her rent regularly? Yes [] No []

If no, please explain _____

3. Did the person get along well with the neighbors? Yes [] No []

Please explain _____

4. Why did the person leave your housing? _____

5. Did the person display any evidence of prejudice towards any racial, ethnic, or religious group? Yes [] No []

If yes, please explain _____

6. Would you recommend the person for the position of law enforcement officer? Yes [] No []

If yes, please explain _____

7. Are you aware of any circumstances which might disqualify the person from public service? Yes [] No []

If yes, please explain _____

8. Please give any additional pertinent facts which may occur to you.

Thank you for your assistance.

Date

Signature

Telephone Number

CONFIDENTIAL QUESTIONNAIRE TO PHYSICIANS

(ONLY TO BE SENT FOLLOWING A CONDITIONAL OFFER OF PROBATIONARY EMPLOYMENT)

To:

Name of Physician

No. Street Town State Zip +4

Applicant's Name: _____

Current Address: _____

No. Street Town State Zip +4

1. Is this individual currently receiving treatment or taking medication for any medical problem, including emotional disorders? Yes [] No []

If yes, please describe the nature of the problem _____

2. Does this individual have any permanent disability or medical problem of which you are aware? Yes [] No []

If yes, please explain _____

3. Do you know of any medical or other reason why this individual should perhaps not be employed as a law enforcement officer? Yes [] No []

If yes, please explain _____

Thank you for your assistance.

Date

Signature